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JOURNAL  
OF THE  
HOUSE

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2007 SESSION

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# **NEW HAMPSHIRE GENERAL COURT**



## **JOURNAL of the HOUSE OF REPRESENTATIVES**

**Containing the 2007 Session  
December 6, 2006  
through  
September 5, 2007**

**TERIE NORELLI  
SPEAKER**

**KAREN O. WADSWORTH  
CLERK**

**DEBORAH NIELSEN  
SERGEANT-AT-ARMS**



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# HOUSE JOURNAL No. 1

Wednesday, December 6, 2006

On the first Wednesday in December in the year of our Lord, two thousand six, it being the day designated by the Constitution for assembling, the one hundred and sixtieth General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The Representatives-elect were called to order by Karen O. Wadsworth, Clerk of the House for the preceding session.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

O Holy One, whose living presence refuses to be reduced by human thought or stymied by stilted language, we gather in one another's company this afternoon to convene another new session of this House of Representatives. With all that needs to go on in this legislative body in the year to come, O God, would that You might grant above all else a sense of unexpected joy in coming together to serve the good people of New Hampshire. Surprise us with exciting ideas. Delight us with one another's humor. Sneak up on us now and then with an abiding sense that the things which unite us are far greater and more numerous than the things which divide us.

We pray that Your Spirit would guide and support each Representative here in their work, and that You would grant them a sense of satisfaction in their leadership. We ask that You would sustain and guide our Governor, Representative-elect Norelli, Representative-elect Whalley, members of the Senate, and the staff whose daily work it will be to streamline and support the many proceedings, meetings and logistics which make governance possible.

Extend Your divine care to those in our lives who are struggling with an illness, who are grieving the death of someone they love, who find themselves particularly alone and for whom this season is darkness rather than light. And be especially with those in our beloved state who find themselves without the joys and comforts of the season we here take for granted. All this we pray in Your holy name. Amen.

Representatives-elect Jeffrey P. Fontas and Andrew J. Edwards of Nashua led the Pledge of Allegiance.

The National Anthem was sung by Representative-elect David M. Pierce of Etna.

## CALL OF THE ROLL

### BELKNAP COUNTY (18)

- Dist. No. 1 (1)** Fran Wendelboe, r  
**Dist. No. 2 (2)** Gail C. Morrison, d; William B. Tobin, r  
**Dist. No. 3 (2)** Bruce D. Heald, r; Stephen H. Nedeau, r  
**Dist. No. 4 (5)** Beth Arsenaault, d; Donald H. Flanders, r; Judith Reeve, d;  
Franklin T. Tilton, r; Jane Wood, d  
**Dist. No. 5 (7)** Janet F. Allen, r; Laurie J. Boyce, r; Charles L. Clark, r; Alida I. Millham, r;  
James P. Pilliod, r; John H. Thomas, r; Michael D. Whalley, r  
**Dist. No. 6 (1)** David H. Russell, r

### CARROLL COUNTY (14)

- Dist. No. 1 (4)** Carolyn A. Brown, r; Thomas L. Bucu, d; Edward A. Butler, d;  
Gene G. Chandler, r  
**Dist. No. 2 (1)** Bob Bridgham, d  
**Dist. No. 3 (3)** Howard N. Cunningham, d; Virginia Heard, d; Harry C. Merrow, r  
**Dist. No. 4 (4)** Christopher J. Ahlgren, r; J. David J. Knox, r; Betsey L. Patten, r;  
Stanley E. Stevens, r  
**Dist. No. 5 (2)** William P. Denley, r; James R. Martin, r

### CHESHIRE COUNTY (24)

- Dist. No. 1 (1)** William V. Chase, d  
**Dist. No. 2 (3)** Daniel A. Eaton, d; Tara Sad, d; Lucy McVitty Weber, d



- Dist. No. 3 (7)** Delmar D. BurrIDGE, d; Suzanne S. Butcher, d; J. Timothy Dunn, d; Peter S. EspieFs, d; elected, not sworn in; Timothy N. Robertson, d; Charles F. Weed, d
- Dist. No. 4 (4)** Tim Butterworth, d; William Butynski, d; Henry A.L. Parkhurst, d; Stanley S. Plifka, d
- Dist. No. 5 (1)** Barbara H. Richardson, d
- Dist. No. 6 (4)** Peter H. Allen, d; Jane B. Johnson, r; Alfred C. Lerandean, d; Thomas L. Loll, d
- Dist. No. 7 (4)** Susan Emerson, r; John B. Hunt, r; Bonnie G. Mitchell, d; Stephen T. Pelkey, r

### COOS COUNTY (11)

- Dist. No. 1 (2)** Frederick W. King, r&d; Eric G. Stohl, r&d
- Dist. No. 2 (4)** Evalyn S. Merrick, d; Scott A. Merrick, d; William J. Remick, r; John E. Tholl, Jr., r
- Dist. No. 3 (1)** William A. Hatch, d
- Dist. No. 4 (4)** Paul H. Ingersoll, d; Edgar H. Mears, d&r; Robert L. Theberge, d&r; Yvonne Thomas, d&r

### GRAFTON COUNTY (26)

- Dist. No. 1 (2)** Lyle Bulis, r; Stephanie Eaton, r
- Dist. No. 2 (1)** Martha S. McLeod, d
- Dist. No. 3 (2)** Edmond D. Gionet, r&d; Gregory M. Sorg, r
- Dist. No. 4 (1)** Robert F. Matheson, d
- Dist. No. 5 (2)** Vernon W. Dingman, r; Paul C. Ingbertson, r
- Dist. No. 6 (2)** James D. Aguiar, d; Carol Friedrich, d
- Dist. No. 7 (2)** Mary R. Cooney, d; Carole J. Estes, d
- Dist. No. 8 (3)** Sidney Lovett, d; Philip Preston, d; Burton W. Williams, r
- Dist. No. 9 (4)** Bernard L. Benn, d; Ruth Z. Bleyler, d; Sharon Nordgren, d; David M. Pierce, d
- Dist. No. 10 (3)** Suzanne S. Laliberte, d; Catherine Mulholland, d; Peter E. Solomon, d
- Dist. No. 11 (4)** Susan W. Almy, d; Gene F. Andersen, d; Lee M. Hammond, d; A. Laurie Harding, d

### HILLSBOROUGH COUNTY (123)

- Dist. No. 1 (3)** David E. Essex, d; Ron Mack, d; Gilman C. Shattuck, d&r
- Dist. No. 2 (2)** Catriona Beck, d; Claudia A. Chase, d
- Dist. No. 3 (4)** Jill Shaffer Hammond, d; Anne-Marie Irwin, d; Andrew R. Peterson, r; elected, not sworn in
- Dist. No. 4 (4)** Pamela D. Coughlin, r; elected, not sworn in; Linda T. Foster, d; Mike Kaelin, d
- Dist. No. 5 (4)** Richard B. Drisko, r; Carolyn M. Gargas, r; Betty B. Hall, d; Melanie Levesque, d
- Dist. No. 6 (8)** Peter F. Bergin, r; Gary L. Daniels, r; Cynthia J. Dokmo, r; Ryan N. Hansen, r; Peter R. Leishman, d; Timothy D. O'Connell, r; Robert H. Rowe, r; Stephen B. Stepanek, r
- Dist. No. 7 (8)** Russell C. Day, r; Larry A. Emerton, r; Richard E. Fletcher, r; Randolph N. S. Holden, r; Bruce F. Hunter, r; Neal M. Kurk, r; Pamela V. Manney, r; Karen K. McRae, r
- Dist. No. 8 (3)** Jeffrey P. Goley, d; Sandra J. Reeves, r; Dan Sullivan, d
- Dist. No. 9 (3)** Catherine Hackett, d; Sandra Smith, d; Saghir A. Tahir, r
- Dist. No. 10 (3)** Michael R. DesRoches, d; Jean L. Jeudy, d; Patrick Long, d
- Dist. No. 11 (3)** Nickolas J. Levasseur, d; Anthony F. Simon, d; Mary A. Sysyn, d
- Dist. No. 12 (3)** Roger G. Hebert, d; elected, not sworn in; Hector M. Velez, d
- Dist. No. 13 (3)** Benjamin C. Baroody, d; William J. Infantine, r; Stephen A. Johnson, d
- Dist. No. 14 (3)** Patrick F. Garrity, d; Robert J. Haley, d; Michael J. Reuschel d
- Dist. No. 15 (3)** Michael Farley, d; Maureen A. Nagle, d; Steve Vaillancourt, r



- Dist. No. 16 (3)** Jesse Martineau, d; Maurice L. Pilotte, d; Barbara E. Shaw, d  
**Dist. No. 17 (8)** Jane E. Beaulieu, d; Michael Brunelle, d; Armand D. Forest, d;  
 George Katsiantonis, d; Lily Mesa, d; Irene M. Messier, r; Connie Soucy, r;  
 Joel Winters, d  
**Dist. No. 18 (6)** Mark S. Clark, r; John A. Graham, r; Ken Hawkins, r; elected, not sworn in;  
 Jayne E. Spaulding, r; Maurice Villeneuve, r  
**Dist. No. 19 (8)** Richard W. Barry, r; Peter L. Batula, r; D.L. Chris Christensen, r;  
 Nancy J. Elliott, r; Peyton B. Hinkle, r; elected, not sworn in;  
 Maureen C. Mooney, r; James M. O'Neil, d  
**Dist. No. 20 (3)** Ruth Ginsburg, d; Anthony P. Matarazzo, d; Eric P. Rochette, d  
**Dist. No. 21 (3)** Elenore Casey Crane, r; Paul L. Hackel, d; Suzanne Harvey, d  
**Dist. No. 22 (3)** Lori A. Movsesian, d; Cindy Rosenwald, d; David L. Smith, d  
**Dist. No. 23 (3)** David E. Cote, d; elected, not sworn in; Seth Marshall, d  
**Dist. No. 24 (3)** David B. Campbell, d; Jane A. Clemons, d; Jeffrey P. Fontas, d  
**Dist. No. 25 (3)** Peter R. Cote, d; Edith Hogan, r; Claudette R. Jean, d  
**Dist. No. 26 (10)** Andrew J. Edwards, d; Bea Francoeur, r; John Kelley, d;  
 Angeline A. Kopka, d; Bette R. Lasky, d; Carolyn M. Lisle, d;  
 Michael B. O'Brien, d; Pamela G. Price, r; Joan H. Schulze, d;  
 Kimberly C. Shaw, d  
**Dist. No. 27 (13)** Jean-Guy J. Bergeron, r; Lars T. Christiansen, r, elected, not sworn in;  
 Robert H. Haefner, r; Shawn N. Jasper, r; John Knowles, d;  
 Mary Ann Knowles, d; James H. Lawrence, r; Rudy Lessard, r;  
 Lynne M. Ober, r; Russell T. Ober, r; Andrew Renzullo, r; Jordan G. Ulery, r

### MERRIMACK COUNTY (44)

- Dist. No. 1 (2)** Robert A. Foose, d; David H. Kidder, r  
**Dist. No. 2 (3)** Dennis Reed, r; Jim Ryan, d; Leigh A. Webb, d  
**Dist. No. 3 (1)** Patricia M. McMahon, d&r  
**Dist. No. 4 (3)** Christine C. Hamm, d; Derek Owen, d; Gary B. Richardson, d  
**Dist. No. 5 (2)** Barbara C. French, d; Eleanor Glynn Kjellman, d  
**Dist. No. 6 (6)** Maureen Baxley, d; Claire D. Clarke, d; Priscilla P. Lockwood, r;  
 Joy K. Tilton, d; Frank A. Tupper, d&r; Deborah H. Wheeler, d  
**Dist. No. 7 (3)** Frank W. Davis, d; Vincent E. Greco, d; Sara Kelly, d  
**Dist. No. 8 (4)** Suzanne Beauchesne, d; Carole M. Brown, d; Margaret Porter, d;  
 Charles B. Yeaton, d  
**Dist. No. 9 (4)** Eileen S. Ehlers, d; David W. Hess, r; Charlie Humphries, r; elected, not  
 sworn in  
**Dist. No. 10 (4)** Elizabeth D. Blanchard, d&r; Mary Stuart Gile, d&r; Frances D. Potter, d&r;  
 Stephen J. Shurtleff, d&r  
**Dist. No. 11 (5)** Candace C.W. Bouchard, d; John DeJoie, d; James R. MacKay, r;  
 Tara G. Reardon, d; Robert W. Williams, d  
**Dist. No. 12 (4)** Donald A. Brueggemann, d; Elizabeth S. Hager, r; Jessie L. Osborne, d;  
 Mary Jane Wallner, d  
**Dist. No. 13 (3)** Eric Anderson, r; Stephen T. DeStefano, d; Mary Beth Walz, d

### ROCKINGHAM COUNTY (90)

- Dist. No. 1 (5)** Frank G. Case, r; Robert A. Johnson, r; Susi Nord, d; John Reagan, r;  
 Richard H. Snow, d  
**Dist. No. 2 (3)** Franklin C. Bishop, r; Robert W. Forsing, r; Lawrence Kappler, r  
**Dist. No. 3 (9)** Alfred P. Baldassar, r; Sharon M. Carson, r; Dudley D. Dumaine, r;  
 Frank R. Emiro, r; James F. Headd, r; Karen K. Hutchinson, r;  
 Robert E. Introne, r; Betsy McKinney, r; Sherman A. Packard, r  
**Dist. No. 4 (13)** Jason Bedrick, r; Ronald J. Belanger, r; David J. Bettencourt, r;  
 David C. Dalrymple, r; Anthony R. DiFruscia, r; Robert J. Elliott, r; elected,  
 not sworn in; Mary E. Griffin, r; Russell F. Ingram, r;  
 Charles E. McMahon, r; Mark Pearson, r; Anne K. Priestley, r;  
 Kevin K. Waterhouse, r

- Dist. No. 5 (11)** Bob M. Fesh, r; John P. Gleason, r; Kenneth H. Gould, r&d;  
Paul R. Hopfgarten, r; George N. Katsakiores, r; Phyllis M. Katsakiores, r;  
Howie Lund, r; Linda J. McCarthy, d; Daniel McKenna, d;  
James B. Rausch, r; Rick Wickson, r
- Dist. No. 6 (2)** James M. Garrity, r&d; George D. Winchell, r&d
- Dist. No. 7 (4)** Gene P. Charron, r&d; James E. Devine, r; Charlotte Lister, d&r;  
Elisabeth N. Sanders, r
- Dist. No. 8 (7)** Kevin L. Camm, r; John W. Flanders, Sr., r&d; Joseph A. Guthrie, r&d;  
Norman L. Major, r&d; David A. Welch, r; Roger G. Wells, r&d;  
Kenneth L. Weyler, r&d
- Dist. No. 9 (3)** Elected, not sworn in; Daniel C. Itse, r; Ronald J. Nowe, r
- Dist. No. 10 (1)** Donald R. Buxton, r&d
- Dist. No. 11 (2)** Mary M. Allen, r; Kimberley S. Casey, d
- Dist. No. 12 (3)** Dennis F. Abbott, d&r; Doreen Howard, d; Marcia G. Moody, d
- Dist. No. 13 (8)** Judy Day, d; Eileen C. Flockhart, d; John W. Henson, d;  
James E. Kennedy, d; Marshall Lee Quandt, r; Matthew J. Quandt, r;  
Carl G. Robertson, r&d; Kathleen Russell, d
- Dist. No. 14 (4)** Benjamin E. Moore, r; Peter O'Keefe, d; Mark F. Preston, d;  
E. Albert Weare, r
- Dist. No. 15 (5)** Jane P. Kelley, d; Susan R. Kepner, d; Thomas McGuirk, d; Bennett Moore, d;  
Nancy F. Stiles, r
- Dist. No. 16 (7)** Jacqueline A. Cali-Pitts, d; Paul McEachern, d; Terie T. Norelli, d;  
Laura C. Pantelakos, d; James F. Powers, d; Christopher W. Serlin, d;  
James R. Splaine, d
- Dist. No. 17 (1)** Michael G. Marsh, d
- Dist. No. 18 (2)** David A. Borden, d; Otto F. Grote, d

### STRAFFORD COUNTY (37)

- Dist. No. 1 (9)** Deborah Billian, d; William P. Brennan, d; George F. Brown, d;  
Julie M. Brown, r; Anne C. Grassie, d; Nancy Hildebrandt-Warren, d;  
Pamela J. Hubbard, d; Shawn Mickelonis, d; Robert J. Watson, d
- Dist. No. 2 (5)** Roger R. Berube, d; Dana S. Hilliard, d; Deanna S. Rollo, d;  
Michael S. Rollo, d; Dale R. Sprague, d
- Dist. No. 3 (8)** Lawrence D. Brown, d; Rachel Burke, d; James E. Cyr, d;  
Marlene M. DeChane, d; Kay Oppenheimer, d; Robert J. Perry, d;  
Robert S. Srncac, d; Dennis P. Vachon, d
- Dist. No. 4 (3)** Brendon S. Browne, d; Thomas R. Fargo, d; Peter B. Schmidt, d
- Dist. No. 5 (3)** Jennifer M. Brown, d; Baldwin M. Domingo, d; Sarah Hutz, d
- Dist. No. 6 (3)** Earle Goodwin, d; Roland P. Hofemann, d; William V. Knowles, d
- Dist. No. 7 (6)** Naida L. Kaen, d&r; Joseph M. Miller, d; Emma L. Rous, d;  
Marjorie K. Smith, d&r; Judith T. Spang, d; Janet G. Wall, d&r

### SULLIVAN COUNTY (13)

- Dist. No. 1 (2)** Matthew Houde, d&r; Carla M. Skinder, d&r
- Dist. No. 2 (3)** Peter E. Franklin, d; Arthur G. Jillette, d; Beverly T. Rodeschin, r
- Dist. No. 3 (1)** Suzanne H. Gottling, d
- Dist. No. 4 (5)** John R. Cloutier, d&r; Larry Converse, d; Thomas E. Donovan, d&r;  
Raymond Gagnon, d&r; Ellen Nielsen, d
- Dist. No. 5 (2)** Brenda L. Ferland, d; James G. Phinizy, d&r

With 388 members-elect having answered the call of the roll, a quorum was declared present.

### NOTIFICATIONS OF ABSENCE

The following representatives-elect notified the Clerk of their absence for the day:  
Representatives-elect Daler, Goyette, Oppenheimer, Roberts and Francis Sullivan, the day, illness.  
Representatives-elect C. Pennington Brown, Garcia, Gorman, L'Heureux, Moran and Oliver, the day, important business.



## RESOLUTION

Representatives-elect Kopka and Whalley offered the following:

RESOLVED, that a committee be appointed to wait upon the Governor and the Honorable Council to inform them that a quorum of the House is assembled and requests their attendance.

Adopted.

The Chair appointed the following: Representatives-elect Robert A. Johnson, Laura C. Pantelakos, Mary Jane Wallner and Betty B. Hall.

## INTRODUCTION OF GUESTS

Victor Schulze, Jeanne Schulze, Victoria Robinson, Julia and Suzanne Mazak, Melia and Peter Robinson, Kate, Dylan, Willem and Anders Schulze, husband, daughters and grandchildren of Rep-elect Schulze. Marcia, Maurine and John Preston, guests of Rep-elect Mark Preston. Kristen and Matt Warren, guests of Rep-elect Warren. Gail E. Kennedy, wife of Rep-elect Kennedy. Jon Woodhull, husband of Rep-elect Skinder. K.C. DeStanto, guest of Rep-elect Holden. Carol, Jeffrey and Jennifer Day, wife, son and daughter of Rep-elect Russell Day. Erika A. Spaulding, guest of Rep-elect Spaulding. Jean Barry, wife of Rep-elect Barry. Theresa Kappler, wife of Rep-elect Kappler. Pauline Martineau, Kimberly Kopaczewski and Ben Martineau, guests of Rep-elect Martineau. Nancy Kelley, wife of Rep-elect John Kelley. Joseph, Phillip and Hadassah Edwards and Sebastian Cheramie, guests of Rep-elect Edwards. Pat Srncac, wife of Rep-elect Srncac. Carol Perry, wife of Rep-elect Perry. Diane Goodman, Hon. Jim Curran, former member from Hancock, Polly Curran, Amy Markus and Karen Premienau, wife and guests of Rep-elect Mack. Christine Reuschel, wife of Rep-elect Reuschel. Alicen Hogan, Kathryn Hogan-Bouchie and Dominique Hogan, guests of Rep-elect Hogan. Tabatha Hebert, guest of Rep-elect Hebert. Joe, Owen and Ryan Russell, husband and sons of Rep-elect Kathleen Russell. Dennis Kepner, Meg Kepner and Richard Devor, husband, daughter and guest of Rep-elect Kepner. John Lisle, Frank Miethe and Gerry Small, husband, brother and guest of Rep-elect Lisle. Larry Miller, husband of Rep-elect Judy Day. Rick Merrick, Michel Sturm, Mathew, Ryan and Hannah Sturm, Larry Brown, Judy Garfinkel and Celeste Pitts, husband, sister, nephews, niece and guests of Rep-elect Evalyn Merrick. John Kjellman, Jameyanne and Mary Fuller, guests of Rep-elect Kjellman. Doug and Nora Kelly, husband and sister-in-law of Rep-elect Sally Kelly. Deborah and Erin Murphy, spouse and daughter of Rep-elect Emiro. Les and Ken Schoof and Marilyn Nussbaum, guests of Rep-elect Butler. Emmy Brown, mother of Rep-elect Nord. Gloria Pilotte, Ronald and Lorraine Pilotte, spouse, brother and sister-in-law of Rep-elect Pilotte. William Thomas, husband of Rep-elect Yvonne Thomas. Thomas and Myra Opal and Gail Kinney, guests of Reps-elect Solomon, Mulholland and Laliberte. Janice Ulery, wife of Rep-elect Ulery. Regina and Christopher O'Neil, wife and son of Rep-elect O'Neil. Constance Cunningham, wife of Rep-elect Cunningham. Sally Humphries and Debbie Stohrer, wife and guest of Rep-elect Humphries. Garrett Lear, guest of Rep-elect Itse. Violet and Cagney Hatch, wife and son of Rep-elect Hatch. Bill Hanson, guest of Rep-elect Sara Kelly. Seth Wall, son of Rep-elect Wall. Sydni, Ashley, Katelin and Franklin Garrity, wife, daughters and son of Rep-elect James Garrity. Anna Mulholland, daughter of Rep-elect Mulholland. Kerry Virgien, guest of Rep-elect Scott Merrick. Joseph, Ellen and Jonathan Derosa, guests of Reps-elect James Garrity and Winchell. Edward and Virginia Rinaldi, guests of Rep-elect Crane. Virginia Foose, Patricia Bechok, Greg and Henry Bechok, wife, daughter and grandsons of Rep-elect Foose. Anastasiya and Stanislav Mickelonis, Anna and Gilman Hibbard and Doralee and Robert Ray, wife, son and guests of Rep-elect Mickelonis. Emma Duff Pierce, Robert Duff, Elizabeth and Catherine Sensenig and Heather Irbinskas, daughter and guests of Rep-elect Pierce. Purr Whalley, guest of Rep-elect Whalley. Lorinda Rausch, guest of Rep-elect Rausch. Beth Campbell, guest of Rep-elect Wheeler. Maria and Paul McKenna, parents of Rep-elect McKenna. Brenda Major, wife of Rep-elect Major. Jessica Paul-Levasseur, Jean, Kim and Chelsea Levasseur, wife, parents and sister of Rep-elect Levasseur. Jaci Grote, wife of Rep-elect Grote. Nancy Borden, wife of Rep-elect Borden. Patricia Davis and Anne Maxwell, wife and sister of Rep-elect Davis. Hon. Janet Fortnam, former member from Pembroke, Janet Anderson, Ken Ayles and Reggie Baxter, guests of the Pembroke delegation. Lois Hofemann, wife of Rep-elect Hofemann. Patricia Manseau, guest of Rep-elect Greco. Kathryn Coughlin, daughter of Rep-elect Coughlin. Rita Cloney, guest of Reps-elect Sandra Smith and Brunelle. Christopher Messier, son of Rep-elect Messier. June Cyr, wife of Rep-elect Cyr. Elsie Domingo, wife of Rep-elect Domingo. Christie Vilsack, First Lady of

the State of Iowa, guest of Rep-elect Ryan. Allison and Daryl Browne, Jordan, Alexander and Orion Browne, and Walt Mayshack, daughter, son-in-law, grandsons and guest of Rep-elect Estes. Faith, Jennifer and Reily Tobin, wife, daughter and granddaughter of Rep-elect Tobin. Ruth Ann Williams, wife of Rep-elect Burton Williams. Betty King, wife of Rep-elect King. Roberta Ingram, wife of Rep-elect Ingram. Joel Sherburn, Hon. Bob Davidson, former member from Newmarket, Hon. William McCann, former member from Dover and Patricia Holmes, family and guests of Rep-elect DeChane. Carol and Jennifer Day, wife and daughter of Rep-elect Day. David and Sandra Bettencourt, parents of Rep-elect Bettencourt. Kathleen DiFruscia, Barbara Bunker and Camaron Iannafo, wife and guests of Rep-elect DiFruscia. Allen, Gina and Daniel Norelli, Vince Lombardi, Ellen Fineberg, Sarah Fineberg-Lombardi, Hon. Raymond Buckley, former member from Manchester, Hon. Sandra Keans, former member from Rochester and Hon. Marion Copenhaver, former member from Etna, guests of Rep-elect Norelli. Charlene Kane, daughter of former Rep. Cecelia Kane, guest of the Portsmouth delegation. Kathy Sullivan, Chair of the New Hampshire Democratic Party, Hon. Jim Craig, Hon. Rick Trombly and Hon. Chris Spirou, past House Minority Leaders, guests of the Democratic Caucus. Former Minority Leaders who were invited, but unable to attend: Hon. Mary Chambers, Hon. Bob Raiche and Hon. Bill Craig.

### OATH OF OFFICE

Governor John H. Lynch, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Councilors Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Raymond J. Wiczorek and Debora B. Pignatelli. The members-elect, having presented their credentials, were duly qualified by the Governor as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution of the State of New Hampshire.

The Governor and Executive Councilors retired.

### ELECTION OF HOUSE SPEAKER

The Chair declared that nominations for Speaker were in order.

Rep. Abbott placed the name of Rep. Terie Norelli in nomination for Speaker. Reps. Rous and Daniel Eaton seconded the nomination.

Rep. Whalley moved that nominations be closed and one ballot be cast for Rep. Terie Norelli. Adopted.

The Chair declared Rep. Terie Norelli the duly-elected Speaker of the House for the 2007-2008 biennium.

The Sergeant-at-Arms escorted Speaker Norelli to the rostrum. The Speaker addressed the House.

### (Speaker Norelli in the Chair)

### MOTION TO PRINT REMARKS

Rep. Daniel Eaton moved that the remarks by Speaker Norelli be placed in the Permanent Journal. Adopted.

### REMARKS

**Speaker Norelli:** Good afternoon. It is a good afternoon. There are two things that many people in New Hampshire thought that they would never see in their lifetime: the Boston Red Sox winning the World Series and a Democratic Speaker of the New Hampshire House.

It is with a profound sense of humility and recognition of the history of this moment, that I accept this gavel and gratefully acknowledge the confidence that you have placed in me. In doing so, I take an office that once was thought to be unattainable for a member of my party.

Please allow me to recognize some of the very most important people in my life who have joined us here today: My husband, Allen, and my children, Gina and Daniel. Certainly without their support and patience over the past few months I wouldn't possibly have been able to stay grounded and I am sure to tell the three of them that a lot of you would appreciate it if they kept up the job for a little bit longer. Here also are our very dear family friends, Vince Lombardi, the other Vince Lombardi, Ellen Fineberg, Sarah Fineberg-Lombardi and their exchange student from Romania, Raz Birca. I saw that nice smile on Raz' face. What a nice treat it is for him to see New Hampshire democracy up close in action. I would also like to take this opportunity to recognize the presence

of my predecessor, Doug Scamman, whose devotion to this institution and love of our state is unquestioned. Doug has been most gracious and helpful to me during this transition, and it is truly an honor for me to take the gavel from him today. Thanks to you Doug, and to Stella, for all you have both done to make New Hampshire a wonderful place to live in.

Let me take a moment to congratulate Sylvia Larsen on her election as Senate President. I look forward to working with her and with her Senate colleagues as we strive to meet the challenges that lay ahead.

The gavel that has been placed in my hands today has been passed through the hands of my predecessors for over 200 years, and I am mindful of the awesome responsibility of this office. I pledge to you and to the people of New Hampshire that I will uphold the dignity of this, the people's House, to ensure that this institution lives up to the highest standards that are expected of us. As the next session begins and we inevitably get locked in the debates of the issues of the day, we must not lose sight of the historical perspective, because today, along with our Senate colleagues, we gather in the oldest legislative chambers that are in continuous use in the United States.

Those who have come before us would marvel at the complexity of our modern society and the issues we will begin to debate as the legislative session gets underway. Let us remember that there is a continuous thread that binds us all to the past and to those who have labored and deliberated here, often long into the night. We should treasure the society that they built for us. We owe these citizens who stepped forward and volunteered their time and their energy an enormous debt of gratitude, and I will do everything that I can possibly do to honor the legacy that they have left for us.

I would like to acknowledge Governor Lynch for his strong leadership and for his climate of bipartisanship. I believe this is the message that the citizens of New Hampshire powerfully affirmed in the last election, and it should set the tone for our deliberations going forward. We have an opportunity to work together to address the needs of the people we came here to represent, and an opportunity to send a clear message that we can cooperate for the common good. Today, on behalf of the majority, I extend a hand of friendship across the aisle. I trust that we will agree when that's possible, that we will disagree when that's necessary, and that we will put into practice the old adage that it is possible to disagree without being disagreeable. I offer my congratulations to Representative Whalley and look forward to working with him and with our fellow Republican members to ensure that our deliberations are fair to every member of this House.

I recognize that the Republican members of this House find themselves in a position that is as foreign to you as being in the majority is to myself and my Democratic colleagues. That means there will be a period of adjustment as we all grow accustomed to our new offices and our new roles, and I ask for your indulgence during this historic transition. Let us also be mindful of the peaceful and smooth transfer of power, and understand that it is a symbol of the maturity of our democratic form of governance that we now take something so significant as something that's almost ordinary.

We all recognize the political nature of the work that we do and how our actions are and will be analyzed by those already looking ahead to the next election. We all understand the vital role of the election process, but there is, and there must be, a separation between legislative and electoral politics. Therefore, the Majority and the Minority Offices will be staffed by professionals who understand and respect the legislative process and the dignity of this House.

We are a unique institution, by far the most representative state legislative body in the nation; almost in the world. While it's almost unheard of elsewhere to have husbands and wives, parents and children, and all other combinations of family members serving in the state legislature, here in New Hampshire it is pretty commonplace. It has been said that if you live long enough, you will eventually serve in the New Hampshire Legislature. So those of you up there that haven't been here yet, you will. Many of you who sit here today can recall a parent or grandparent, aunt or uncle, or a sibling that sat in this chamber once before. I know it is a source of great pride for Doug Scamman that his father once wielded the gavel, and it is interesting to note that Doug's father was the Speaker when Jim Craig's father was the Democratic Leader.

We must never lose sight of the fact that many of you are seated now next to someone who might become your very best friend. We have had people from every walk of life, representing every profession. Get to know them. Every profession and every faith has formed a bond of friendship that lasted well beyond their service in this chamber. They recounted their child's latest athletic, academic and professional successes, shared photos of their newest grandchild, attended weddings and other joyous events, and even sometimes consoled one another in their shared grief at the loss of one of our colleagues.



There are people who came here with an unshakeable belief in their position on a particular issue, only to find that indeed there are two sides to every coin. Ultimately, this business of legislating is about building relationships, and we all discover, at some point in our careers here, that party affiliation can sometimes serve as little more than a distraction. When our service here has ended, whether by choice or because the voters have made that choice for us, each of us hopes to look back with pride on the public policy that we had a hand in crafting, hopeful that our state is a better place because we served here. Our work will be bound and placed on the shelves in our public libraries, judicial chambers and law offices, and pored over for years to come by attorneys, judges, scholars and future legislators. But what they won't be able to see on those pages are the handshakes, the kind words and the lasting bonds of friendship.

In the coming two years, much will be asked of me, and in turn, I will ask much of you: patience, understanding, and bridging the political divide in order to enact laws that will benefit the citizens of our great state. As I speak to you today, I acknowledge that one of the most important duties of the Speaker of this House is to uphold the House position on legislation, determined by the committee process and by vote of this body. I will work cooperatively, but I also will be firm in my dealings in representing the House before the Governor and the Senate.

We know our responsibility to resolve the ongoing challenge of providing an adequate education for our children. There is no simple solution. If there was, we all know this would have been solved a long time ago. As a former teacher, education is a subject that I hold near and dear to my heart and a profession that I hold in the highest esteem. This issue will be debated in full, and I remain hopeful that a lasting and bipartisan solution can be found. We owe it to our children, the future of our state, to solve this issue once and for all.

Of course, this is not the only issue that we face. Many of you are hard at work crafting legislation and formulating plans to address a wide array of complex and critically important issues facing our state. I look forward to a thorough and open dialogue and encourage the citizens of our state to participate in this important process.

Thank you all for the confidence you have placed in me and for the kind words, for all the offers of support. The people of New Hampshire are justifiably proud of our citizen Legislature. I care passionately about the life of this institution and I look forward to working with all of you as we do the work of the people of our great state. Thank you.

### **ELECTION OF HOUSE OFFICERS**

The Speaker declared nominations were in order for Clerk of the House.

Rep. Campbell placed in nomination the name of Karen O. Wadsworth for Clerk of the House.

Rep. Hager seconded the nomination.

Rep. Weyler moved that nominations be closed and one ballot cast for Karen O. Wadsworth.

Adopted.

The Speaker declared Karen O. Wadsworth the duly-elected Clerk of the House for the 2007-2008 biennium.

The Speaker declared nominations were in order for Sergeant-at-Arms.

Rep. Parkhurst placed in nomination the name of Deborah Nielsen for Sergeant-at-Arms.

Rep. Winchell seconded the nomination.

Rep. Weyler moved that nominations be closed and one ballot cast for Deborah Nielsen.

Adopted.

The Speaker declared Deborah Nielsen the duly-elected Sergeant-at-Arms of the House for the 2007-2008 biennium.

The Speaker administered the oath of office to Karen O. Wadsworth and Deborah Nielsen.

### **RESOLUTION**

Reps. Foster and Whalley offered the following: **RESOLVED**, that the House inform the Honorable Senate it has organized and has elected its officers and is ready to meet with the Senate in Joint Convention for the purpose of electing a Secretary of State and a State Treasurer.

Adopted.

**SENATE MESSAGES**

The Senate has organized and has elected as its officers: Sen. Sylvia B. Larsen, President; Tammy L. Wright, Clerk; Robert Buchholz, Assistant Clerk; and Carleton Marshall, Sergeant-at-Arms and Doorkeeper, Henry W. Wilson.

The Senate is organized and ready to meet with the Honorable House of Representatives in Joint Convention for the purpose of electing a Secretary of State and a State Treasurer.

**JOINT CONVENTION****(Speaker Norelli presiding)**

The Speaker called the Joint Convention to order.

The Chair declared nominations were in order for Secretary of State.

Sen. Jack Barnes placed the name of William M. Gardner in nomination for Secretary of State. Dean of the House, Rep. Robert A. Johnson and Reps. Pantelakos, David Cote and Villeneuve non-spoke and seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for William M. Gardner.

The Chair declared William M. Gardner the duly-elected Secretary of State for the 2007-2008 biennium and administered the oath of office to Mr. Gardner.

The Chair declared nominations were in order for State Treasurer.

Rep. Wallner placed the name of Catherine Provencher in nomination for State Treasurer. Rep. Weyler and Sen. D'Allesandro seconded the nomination.

Rep. McRae placed the name of Frank Sapareto in nomination for State Treasurer.

Rep. Lund and Sen. Roberge seconded the nomination.

Rep. Eric Anderson placed the name of Anthony Stevens in nomination for State Treasurer. Reps. Pierce and McMahon and Sen. Cilley seconded the nomination.

There being no further nominations, the Speaker declared nominations closed.

Sen. Burling moved that the State Treasurer be elected by a majority vote of those members present and voting.

Seconded by Rep. Phinizy.

Adopted.

The Clerk, at the request of the candidate, named Reps. Walz and Phinizy as tellers for Anthony Stevens.

**RECESS FOR BALLOTING****(Speaker Norelli in the Chair)**

Of the 393 votes cast, 197 votes were needed for election. Catherine Provencher received 237 votes, Frank Sapareto received 12 votes and Anthony Stevens received 144 votes. The Chair declared Catherine Provencher the duly-elected State Treasurer for the 2007-2008 biennium.

Sen. Foster and Rep. Wallner moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

**HOUSE SESSION****(Speaker Norelli in the Chair)**

The Speaker reconvened the House session.

**APPOINTMENTS**

The Speaker made the following appointments:

Deputy Speaker, Linda T. Foster

Majority Leader, Mary Jane Wallner

Minority Leader, Michael D. Whalley

Reps. Wallner and Whalley offered the following:

**HOUSE RESOLUTION NO. 1**

RESOLVED, that the House adopt the Rules of the 2006 session for the 2007-2008 biennium.  
Adopted.

Reps. Wallner and Whalley offered the following:

**HOUSE RESOLUTION NO. 2**

RESOLVED, that all action taken at all sessions of the House of Representatives be recorded on tapes through the public address system, and that the tapes be used by the Clerk to confirm and correct the Permanent Journal. The Permanent Journal as prepared by the Clerk and as may be corrected by the House shall be the official record of the House.  
Adopted.

Reps. Wallner and Whalley offered the following:

**HOUSE RESOLUTION NO. 3**

RESOLVED, that the following policy be established for the distribution of House calendars and journals, bills and resolutions to members of the General Court and state departments:

1. Every citizen is entitled, free of charge, to one copy of any publication at the legislative counter or to have the publication mailed to that person upon individual request for one such copy.
  2. Persons requesting copies for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be prorated when service is received for portions of the session only. All fees are payable in advance. The subscriber list may be submitted for legislative accounting and auditing purposes, but is not for publication or sale.
  3. All fees charged for publications in accordance with this resolution shall be fixed with the approval of the Speaker, paid into the state treasury and credited to the legislative appropriation.
- Adopted.

Reps. Wallner and Whalley offered the following:

**HOUSE RESOLUTION NO. 4**

RESOLVED, that the Speaker may employ such personnel as she may deem necessary and, with the approval of the House subcommittee of the Committee on Legislative Facilities, may fix their compensation in accordance with RSA 17-E:5.  
Adopted.

Reps. Wallner and Whalley offered the following:

**HOUSE RESOLUTION NO. 5**

RESOLVED, that the members will be paid their legislative salary, as provided in the Constitution, in the month of January 2007, and that mileage of members of the House of Representatives be paid every two weeks during the session.  
Adopted.

**SEATING OF MEMBER FROM HILLSBOROUGH, DISTRICT 3  
COMMUNICATION**

77 Old Dublin Road  
Peterborough, NH 03458  
November 27, 2006

Office of the House Clerk  
State House, Room 317  
Concord, NH 03301

Dear Ms. Wadsworth,

I write to you regarding the tied vote in Hillsborough County District 3 which is to be decided by the General Court on December 6, 2006.

It has been a unique experience being a candidate and declared the winner, attending the education forum and caucus, and participating in the recount. I am impressed by the care the state takes to ensure accu-



racy and fairness to candidates. Both Steve Spratt and I were surprised at the outcome, a tied vote, and then learning that only the General Court, respecting voters' choices, could decide whom to seat. District 3 is composed of four towns, Greenville, New Ipswich, Peterborough and Sharon, as you well know. The three duly elected candidates all live in Peterborough, and so do I. It seems very wrong to me that all the representatives come from only one of the four towns, and none of the representatives live in Greenville, New Ipswich, or Sharon.

Steve Spratt is a good man. He lives in Greenville. I supported his candidacy and voted for him. He is well liked in both Greenville and New Ipswich. He is on the Mascenic Regional School District Board. He has a creative mind, and he is a problem solver. I recommend that the representatives seat him. If circumstances had been different, I would have been delighted to serve.

Yours truly,  
Shirley R. Garhart

Reps. Wallner and Whalley offered the following:

### HOUSE RESOLUTION NO. 6

Relative to the tied election in Hillsborough County District 3:

WHEREAS, the general election in Hillsborough County District 3 has resulted in a tie between Shirley R. Garhart and Stephen P. Spratt, and

WHEREAS, this House has the constitutional authority to settle this matter by voting to seat one of these individuals as a member, and

WHEREAS, Shirley R. Garhart has communicated her desire that the House seat Stephen P. Spratt in order to provide representation to the smaller towns in the District, now, therefore, be it RESOLVED by the House of Representatives that Stephen P. Spratt be seated as a member representing Hillsborough County District 3, and be it further RESOLVED that the Clerk of the House transmit a copy of this Resolution to the Secretary of State, to Shirley R. Garhart and to Stephen P. Spratt.

Rep. Hess spoke in favor and yielded to questions.

Rep. Vaillancourt spoke against.

Rep. Irwin spoke in favor.

Adopted.

### MOTION TO PRINT REMARKS

Rep. Whalley moved that the remarks made by Rep. Hess be printed in the Permanent Journal. Adopted.

### REMARKS

**Rep. Hess:** Thank you very much Madam Speaker, and may I say that has a lyrical sound to it. Madam Speaker, I do not rise to oppose this resolution, but I want to make the facts, the unique facts and circumstances of this resolution perfectly clear on the record so that the action that we are about to take will not be cited as an improper or inappropriate precedent or misused for partisan purposes in the future. As the resolution states, we as seated members of the House have the unique and exclusive power to determine, to judge the qualifications, returns and elections of our members. That power is awesome because there is no appeal from our decision. It doesn't have to be passed by another body. It doesn't have to be voted upon by any member of the executive branch. It is ours and ours alone and we decide it.

Very rarely do we have tie votes in this House. The last one occurred about twenty odd years ago. Some four thousand of us have been sworn in since then and at that time, at that tie vote, this House adopted a long standing, fair, impartial and bipartisan precedent. This House voted to call a special election limited only to the two candidates who had gotten tie votes so that the voice of the people that they were to represent would be fully, completely and honestly reflected in the House. This resolution does something different, but it does it for a very unique reason. Because, in effect, one of the candidates has conceded the election to the other and the one that we are presently going to be voting on to seat is the candidate that the other tie vote getter wants us to elect. I think it is very important that we put firmly and clearly on the record it is for that circumstance and for that circumstance only that we are choosing between two candidates who have received a tie vote. And I thank you for your time, Madam Speaker.

**RESOLUTION**

Rep. Wallner offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of resolutions be by caption only and that all resolutions be read a third time and passed.  
Adopted.

**UNANIMOUS CONSENT**

Reps. Winchell and Larry Brown addressed the House.

**ADJOURNMENT**

The Speaker adjourned the House at 4:57 p.m. until Wednesday, January 3, 2007 at 10:00 a.m.

## HOUSE JOURNAL No. 2

Wednesday, January 3, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

### MOMENT OF SILENCE

A moment of silence was observed in honor and memory of President Gerald R. Ford.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

O God, we gather in the freshness of this New Year, filled with all the eagerness and all the uncertainty and all the opportunity You always seem to bring our way whether we seek it or not. Fill us with faith in all that awaits us in the session ahead. Give us new faith in one another. Give us renewed faith in the future, and every now and then grant us the indelible joy of knowing that we were able to help someone somewhere. And give us the courage to trust that if we would but stop long enough to discern Your spirit as it moves in our midst, that all shall be well.

Invigorate, we pray, our passion for public service. Help us to embrace and to truly love the public we serve, as though they were sitting right here beside us. Help us also to learn to love the act of serving them, seeking not so much to be successful as to be effective. Help us to have our differences without letting our differences have us. And guide us in such a way that we might become a model of dialogue and creativity in the year to come.

We offer up our special prayers this morning for the nation and for the family of President Gerald Ford, and give thanks for the healing he brought to the nation in a time of scandal and distrust. We pray for Governor Lynch, whose inauguration we celebrate tomorrow and who continues to invite us to work together. We pray for Speaker Norelli as she shoulders the mantle of guidance and leadership; we pray for Majority Leader Wallner and her staff; we pray for Republican Leader Whalley and his staff; we pray for our colleagues across the hall in the Senate as they begin their work today; we pray for our Clerk of the House Karen Wadsworth and her staff as they shepherd us through a mind-numbing avalanche of protocol and paperwork; and we pray for all those behind the scenes here at the Capitol who prepare the bills, who field the phone calls, who sweep the floors and who serve the food.

And perhaps most of all, we pray for those we know and those we don't who are sick, grieving, alone, hopeless, homeless, or at their wits or resources end. Bless them, heal them, and keep us ever mindful of their need. In Your Holy name we pray. Amen.

Rep. Henry Parkhurst, member from Winchester, led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Bleyler, Lessard and Srnec, the day, illness.

Reps. Camm, Hilliard, Jane Kelley, Mesa, Priestley, Reeves, Serlin and Wickson, the day, important business.

Rep. Butcher, the day, illness in the family.

Rep. Jennifer Brown, the day, death in the family.

### COMMUNICATION

December 12, 2006

Karen Wadsworth, Clerk of the House

Dear Karen,

The following representatives-elect were sworn into office by the Governor and Executive Council on this day:

**Hillsborough County District 3**, Stephen P. Spratt, d, Greenville (PO Box 168) 03048

**Hillsborough County District 4**, Jennifer Daler, d, Temple (PO Box 22) 03084

**Hillsborough County District 23**, Mary Gorman, d, Nashua (44 ½ Amherst Street) 03064



**Hillsborough County District 19**, Robert L'Heureux, r, Merrimack (94 Back River Rd) 03054  
**Hillsborough County District 27**, Peter R. Goyette, Jr., r, Hudson (6 Linda Street) 03051  
**Merrimack County District 9**, James H. Oliver, r, Hooksett (1465 Hooksett Rd #119) 03106  
**Rockingham County District 4**, Marilinda Garcia, r, Salem (23 School Street) 03079

Sincerely,

Karen Ladd, Assistant Secretary of State

### INTRODUCTION OF GUESTS

Irene Kelly, daughter of Rep. Sally Kelly. Anna Pawley, mother of Rep. Movsesian. Hon. Gloria Seldin, former member from Concord, Hon. Sandra Harris and Hon. Joseph Harris, former members from Claremont, guests of Reps. Wallner and DeJoie. Richard Boutwell, Joseph Lavigne and Edward Thorburn, guests of Rep. Parkhurst. Sarah and Colby Aiken, guests of Rep. DeJoie. Joshua, Rebecca, Sarah, Ashley, Brianna, Julia and Brenda Blanchard and Steve Kurtz, grandchildren and guest of Rep. Blanchard. Hon. Raymond Buckley, former member from Manchester, guest of Rep. Brunelle. David Goodwin, son of Rep. Goodwin. Lou and Vivianne Versace, guests of Rep. Tupper. Gary Provencher, Emily and Curtis Provencher, Curtis, Ellen and Amy Laffin and Judith and Mark Timney, guests of the House.

### RESOLUTION

Reps. Wallner and Whalley offered the following: **RESOLVED**, that the House of Representatives inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council, and for the taking of the oath by the State Treasurer. Adopted.

### SENATE MESSAGE

The Senate is now ready to meet with the Honorable House of Representatives in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council and for the swearing in of the State Treasurer.

### JOINT CONVENTION

(Speaker Norelli presiding)

### RESOLUTION

Rep. Wallner and Sen. Foster offered the following: **RESOLVED**, that the Honorable Deputy Secretary of State be requested to lay before the Joint Convention the return votes for Governor and Executive Council.

Adopted.

In accordance with Article 42, Part 2 of the New Hampshire Constitution, the Honorable David M. Scanlan, Deputy Secretary of State, appeared before the Joint Convention and presented the return votes for Governor and the Executive Council cast in the General Election held November 7, 2006 as follows:

### FOR GOVERNOR

	John H. Lynch, d	James B. Coburn, r
Belknap	15,467	5,050
Carroll	13,403	5,225
Cheshire	20,459	5,278
Coos	7,746	2,216
Grafton	22,452	6,573
Hillsborough	81,222	32,478
Merrimack	39,351	10,412
Rockingham	61,102	26,998
Strafford	27,168	6,776
Sullivan	10,391	3,282
<b>TOTALS</b>	<b>298,761</b>	<b>104,288</b>

John H. Lynch, having a plurality of 194,473 votes, was elected.

**FOR EXECUTIVE COUNCILORS**

First District	Raymond S. Burton, r	47,598
	Mark Blotner, d	35,156
	Plurality for Burton	12,442
Second District	John D. Shea, d	41,618
	Peter J. Spaulding, r	40,435
	Plurality for Shea	1,183
Third District	Beverly Hollingworth, d	46,512
	Charles W. Morse, r	35,329
	Plurality for Hollingworth	11,183
Fourth District	Raymond J. Wieczorek, r	36,939
	Paul R.R. Martineau, d	28,972
	Plurality for Wieczorek	7,967
Fifth District	Debora B. Pignatelli, d	44,671
	Robert L. Wheeler, r	30,740
	Plurality for Pignatelli	13,931

**RESOLUTION**

Rep. Wallner and Sen. Foster offered the following: **RESOLVED**, that the vote for Governor and Executive Council be referred to a committee consisting of two on the part of the Senate and three on the part of the House to compare and count the same and report thereon.

Adopted.

The Chair appointed Reps. Robert Johnson, Wallner and Pantelakos and Sens. Foster and Gatsas.

**OATH OF OFFICE**

The Sergeant-at-Arms escorted State Treasurer-elect Catherine Provencher to the rostrum. The Speaker administered the oath of office to Catherine Provencher who thereafter addressed the Joint Convention.

Rep. Wallner and Sen. Foster moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

**HOUSE SESSION****(Speaker Norelli in the Chair)**

The Speaker reconvened the House Session.

**SPECIAL PRESENTATION**

The Speaker presented Rep. Robert A. Johnson with Dean of the House Legislative license plates.

**MOTION TO PRINT REMARKS**

Rep. Hess moved that the remarks made by the Dean of the House, Rep. Robert Johnson, be printed in the Permanent Journal.

Adopted.

**REMARKS**

**Rep. Robert Johnson:** Thank you, Madam Speaker. My comments will probably be as brief as I am about some subjects. I very much appreciate being the Dean of the House. It seems like yesterday in 1940 that I had my first session, and with the exception of time that I spent in the state prison, I have enjoyed the House. I don't know. I think I have said enough.

[Clerk's Note: Rep. Robert A. Johnson served as Director of the New Hampshire Parole Board, retiring in 1984]

**UNANIMOUS CONSENT**

Rep. Rowe addressed the House.

**RECESS MOTION**

Rep. Wallner moved that the House stand in recess until Thursday, January 4, 2007 at 11:00 a.m.  
Adopted.

The House recessed at 11:10 a.m.

**RECESS****(Speaker Norelli in the Chair)**

The Speaker appointed Standing Committees of the House as follows:

**CHILDREN AND FAMILY LAW****DEMOCRATS**

Gile, Mary Stuart, Chairman  
Richardson, Barbara H., Vice Chairman  
Grassie, Anne C.  
Ginsburg, Ruth  
Blanchard, Elizabeth D.  
Flockhart, Eileen C.  
Matarazzo, Anthony P., Sr.  
Walz, Mary Beth E.  
Rollo, Deanna S.  
Arsenault, Beth  
Farley, Michael

**REPUBLICANS**

Itse, Daniel C.  
Brown, Julie M.  
Gargas, Carolyn M.  
Moran, Edward P.  
Garcia, Marilinda  
Hogan, Edith  
Johnson, Jane B.  
Spaulding, Jayne E.

**COMMERCE****DEMOCRATS**

Reardon, Tara G., Chairman  
DeStefano, Stephen T., Vice Chairman  
Kopka, Angeline A.  
McEachern, Paul  
Butler, Edward A.  
Hammond, Jill Shaffer  
Houde, Matthew  
Matheson, Robert F.  
Nord, Susi  
Spratt, Stephen P.  
Warren, Nancy Hildebrandt  
Winters, Joel

**REPUBLICANS**

Hunt, John B.  
Belanger, Ronald J.  
Flanders, Donald H.  
Clark, Charles L.  
Quandt, Marshall Lee  
Quandt, Matthew J.  
Martin, James R.  
Pelkey, Stephen T.

**CRIMINAL JUSTICE AND PUBLIC SAFETY****DEMOCRATS**

Knowles, William V., Chairman  
Pantelakos, Laura C., Vice Chairman  
Berube, Roger R.  
Robertson, Timothy N.  
Movsesian, Lori A.  
Hammond, Lee M.  
Burrige, Delmar D.  
Fontas, Jeffrey P.  
Forest, Armand D.  
Grote, Otto F.  
Mickelonis, Shawn  
Nielsen, Ellen

**REPUBLICANS**

Welch, David A.  
Fesh, Bob M.  
Tholl, John E., Jr.  
Weare, E. Albert  
Stevens, Stanley E.  
Oliver, James H.  
Winchell, George D.  
Charron, Gene P.

**EDUCATION****DEMOCRATS**

Rous, Emma L., Chairman  
 Dunn, J. Timothy, Vice Chairman  
 Yeaton, Charles, B.  
 Jean, Claudette R.  
 Clarke, Claire D.  
 Casey, Kimberley S.  
 Shaw, Barbara E.  
 Merrick, Scott A.  
 Shaw, Kimberly C.  
 Day, Judy  
 O'Neil, James M.  
 Reeve, Judith

**REPUBLICANS**

Carson, Sharon M.  
 Ingbreton, Paul C.  
 Hess, David W.  
 Remick, William J.  
 Stiles, Nancy F.  
 McRae, Karen K.  
 Crane, Elenore Casey  
 Price, Pamela G.

**ELECTION LAW****DEMOCRATS**

Clemons, Jane A., Chairman  
 Weed, Charles F., Vice Chairman  
 Splaine, James R.  
 Chase, Claudia A.  
 Hall, Betty B.  
 Billian, Deborah  
 Ehlers, Eileen  
 McKenna, Daniel  
 Oppenheimer, Kay  
 Perry, Robert J.  
 Pierce, David M.

**REPUBLICANS**

Drisko, Richard B.  
 Reeves, Sandra J.  
 Allen, Janet F.  
 Forsing, Robert W.  
 Jasper, Shawn N.  
 Hopfgarten, Paul R.  
 Denley, William P.  
 Humphries, Charlie

**ENVIRONMENT AND AGRICULTURE****DEMOCRATS**

Phinzy, James G., Chairman  
 Essex, David E., Vice Chairman  
 Owen, Derek  
 Allen, Peter H.  
 Beaulieu, Jane E.  
 Powers, James F.  
 Heard, Virginia  
 McCarthy, Linda J.  
 Sad, Tara  
 Snow, Richard H.  
 Webb, Leigh A.  
 Wheeler, Deborah H.

**REPUBLICANS**

O'Connell, Timothy D.  
 Messier, Irene M.  
 Williams, Burton W.  
 Knox, J. David  
 Tobin, William B.  
 Vaillancourt, Steve  
 Dingman, Vernon W.  
 Haefner, Robert

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION****DEMOCRATS**

Irwin, Anne-Marie, Chairman  
 Harding, A. Laurie, Vice Chairman  
 Pilotte, Maurice L.  
 Sullivan, Francis B.  
 McMahon, Patricia M.  
 Velez, Hector M.  
 Jeudy, Jean L.  
 Schmidt, Peter B.  
 Beauchesne, Suzanne  
 Beck, Catriona  
 Brown, George F.  
 Sullivan, Dan

**REPUBLICANS**

Millham, Alida I.  
 Robertson, Carl G.  
 Nowe, Ronald J.  
 Hawkins, Ken  
 Manney, Pamela V.  
 Headd, James F.  
 Day, Russell C.  
 Reagan, John



**FINANCE****DEMOCRATS**

Smith, Marjorie K., Chairman  
 Benn, Bernard L., Vice Chairman  
 Nordgren, Sharon, Division III Chairman  
 Foster, Linda T.  
 Eaton, Daniel A., Division II Chairman  
 Franklin, Peter E., Division I Chairman  
 Baroody, Benjamin C.  
 Leishman, Peter R.  
 DeJoie, John  
 Smith, David L.  
 Bucu, Thomas L.  
 Foose, Robert A.  
 Jillette, Arthur G.  
 McLeod, Martha S.  
 Mitchell, Bonnie G.

**REPUBLICANS**

Kurk, Neal M.  
 Weyler, Kenneth L.  
 Anderson, Eric  
 Emerton, Larry A.  
 Rodeschin, Beverly T.  
 Wendelboe, Fran  
 King, Frederick W.  
 Gould, Kenneth H.  
 Stepanek, Stephen B.

**FISH AND GAME****DEMOCRATS**

Abbott, Dennis F., Chairman  
 Greco, Vincent E., Vice Chairman  
 Solomon, Peter E.  
 Plifka, Stanley S. Jr.  
 Browne, Brendon S.  
 Henson, John W.  
 Kennedy, James E.  
 Marshall, Seth  
 Martineau, Jesse  
 Porter, Margaret  
 Preston, Mark F.  
 Skinder, Carla M.

**REPUBLICANS**

L'Heureux, Robert J.  
 Fletcher, Richard E.  
 Reed, Dennis  
 Moore, Benjamin E.  
 Clark, Mark S.  
 Heald, Bruce D.  
 Kidder, David H.  
 Bulis, Lyle

**HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS****DEMOCRATS**

Rosenwald, Cindy, Chairman  
 Donovan, Thomas E., Vice Chairman  
 French, Barbara C.  
 Miller, Joseph M.  
 Schulze, Joan H.  
 Tilton, Joy K.  
 Bleyler, Ruth Z.  
 Butcher, Suzanne S.  
 Bridgham, Bob  
 Daler, Jennifer  
 Merrick, Evalyn S.  
 Russell, Kathleen

**REPUBLICANS**

Batula, Peter L.  
 Katsakiores, Phyllis M.  
 Pilliod, James P.  
 MacKay, James R.  
 Brown, Carolyn A.  
 Emerson, Susan  
 McMahon, Charles E.  
 Case, Frank G.

**JUDICIARY****DEMOCRATS**

Cote, David E., Chairman  
 Wall, Janet G., Vice Chairman  
 Potter, Frances D.  
 Lasky, Bette R.  
 Espieffs, Peter S.  
 Morrison, Gail C.  
 Shurtleff, Stephen J.  
 Baxley, Maureen

**REPUBLICANS**

Sorg, Gregory M.  
 Rowe, Robert H.  
 Mooney, Maureen C.  
 Buxton, Donald R.  
 Elliott, Nancy J.  
 Francoeur, Bea  
 DiFruscia, Anthony R.  
 Bettencourt, David J.

Hackel, Paul L.  
Preston, Philip  
Richardson, Gary B.  
Weber, Lucy McVitty

### **LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

#### **DEMOCRATS**

Mears, Edgar H., Chairman  
Gorman, Mary J., Vice Chairman  
Kelley, Jane P.  
Goley, Jeffrey P.  
Converse, Larry  
DeChane, Marlene M.  
Johnson, Stephen A.  
Kelly, Sara  
Knowles, John  
Knowles, Mary Ann  
Loll, Thomas L.  
Mesa, Lily

#### **REPUBLICANS**

Tahir, Saghir A.  
Bishop, Franklin C.  
Daniels, Gary L.  
Holden, Randolph N.S.  
Infantine, William J.  
Villeneuve, Maurice H.  
Bedrick, Jason

### **LEGISLATIVE ADMINISTRATION**

#### **DEMOCRATS**

Rollo, Michael S., Chairman  
Hammond, Lee M., Vice Chairman  
Hilliard, Dana S.  
Serlin, Christopher W.  
Hebert, Roger G.  
Hutz, Sarah  
Katsiantonis, George  
Levasseur, Nickolas J.  
Lister, Charlotte  
Reuschel, Michael J.  
Smith, Sandra

#### **REPUBLICANS**

McKinney, Betsy  
Hutchinson, Karen K.  
Hager, Elizabeth S.  
Johnson, Robert A.  
Dokmo, Cynthia J.  
Dumaine, Dudley D.  
Gleason, John P.

### **MUNICIPAL AND COUNTY GOVERNMENT**

#### **DEMOCRATS**

Theberge, Robert L., Chairman  
Osborne, Jessie L., Vice Chairman  
Cooney, Mary R.  
Goodwin, Earle  
Brown, Larry  
Watson, Robert J.  
Butterworth, Tim  
DesRoches, Michael R.  
Laliberte, Suzanne S.  
Moore, Bennett  
Simon, Anthony F.  
Srnc, Robert S., Sr.

#### **REPUBLICANS**

Patten, Betsey L.  
Boyce, Laurie J.  
Stohl, Eric G.  
Hunter, Bruce F.  
Peterson, Andrew R.  
Guthrie, Joseph A.  
Elliott, Robert J.  
Pearson, Mark

### **PUBLIC WORKS AND HIGHWAYS**

#### **DEMOCRATS**

Bouchard, Candace C.W., Chairman  
Campbell, David B., Vice Chairman  
Cloutier, John R.  
Rochette, Eric P.  
Lerandeau, Alfred C.  
Brown, Carole M.

#### **REPUBLICANS**

Rausch, James B.  
Chandler, Gene G.  
Graham, John A.  
Gionet, Edmond D.  
Waterhouse, Kevin K.  
Tilton, Franklin T.

Cyr, James E.  
 Hackett, Catherine  
 Long, Patrick  
 O'Keefe, Peter  
 Sprague, Dale R.  
 Sysyn, Mary A.

Ingram, Russell F.  
 Wickson, Rick

### **RESOURCES, RECREATION AND DEVELOPMENT**

#### **DEMOCRATS**

Spang, Judith T., Chairman  
 Brueggemann, Donald A., Vice Chairman  
 Lovett, Sid  
 Parkhurst, Henry A.L.  
 Tupper, Frank A.  
 Moody, Marcia G.  
 Aguiar, James D.  
 Gottling, Suzanne H.  
 Hubbard, Pamela J.  
 Kepner, Susan R.  
 McGuirk, Thomas  
 Thomas, Yvonne

#### **REPUBLICANS**

Merrow, Harry C.  
 Russell, David H.  
 Christensen, D.L. Chris  
 Goyette, Peter R., Jr.  
 Ahlgren, Christopher J.  
 Sanders, Elisabeth N.  
 Eaton, Stephanie  
 Renzullo, Andrew

### **RULES**

#### **DEMOCRATS**

Norelli, Terie, Chairman  
 Wallner, Mary Jane, Vice Chairman  
 Smith, Marjorie K.  
 Eaton, Daniel A.  
 Foster, Linda T.

#### **REPUBLICANS**

Whalley, Michael D.  
 Hess, David W.  
 Mooney, Maureen C.

### **SCIENCE, TECHNOLOGY AND ENERGY**

#### **DEMOCRATS**

Kaen, Naida L., Chairman  
 Harvey, Suzanne, Vice Chairman  
 Cali-Pitts, Jacqueline A.  
 Andersen, Gene F.  
 Chase, William V.  
 Borden, David A.  
 Edwards, Andrew J.  
 Fargo, Thomas R.  
 Friedrich, Carol  
 Kaelin, Mike  
 Levesque, Melanie

#### **REPUBLICANS**

Thomas, John H.  
 Introne, Robert E.  
 Hansen, Ryan N.  
 Lawrence, James H.  
 Garrity, James M.  
 Ober, Lynne M.  
 Barry, Richard W.  
 Devine, James E.

### **STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS**

#### **DEMOCRATS**

Roberts, Kris E., Chairman  
 Garrity, Patrick F., Vice Chairman  
 Domingo, Baldwin M.  
 Brennan, William P.  
 Hofemann, Roland P.  
 Wood, Jane  
 Burke, Rachel  
 Gagnon, Raymond  
 Howard, Doreen  
 Kjellman, Eleanor Glynn  
 Lisle, Carolyn M.

#### **REPUBLICANS**

Coughlin, Pamela D.  
 Priestley, Anne K.  
 Lessard, Rudy  
 Christiansen, Lars T.  
 Baldasaro, Alfred P.  
 Emiro, Frank R.  
 Kappler, Lawrence  
 Soucy, Connie

**TRANSPORTATION****DEMOCRATS**

Ryan, Jim, Chairman  
 Williams, Robert W., Vice Chairman  
 Cote, Peter R.  
 Ferland, Brenda L.  
 Brown, Jennifer M.  
 Brown, C. Pennington  
 Cunningham, Howard N.  
 Estes, Carole J.  
 Ingersoll, Paul H.  
 Nagle, Maureen A.  
 O'Brien, Michael B., Sr.

**REPUBLICANS**

Nedea, Stephen H.  
 Katsakiores, George N.  
 Packard, Sherman A.  
 Flanders, John W., Sr.  
 Bergeron, Jean-Guy J.  
 Allen, Mary M.  
 Bergin, Peter F.  
 Dalrymple, David

**WAYS AND MEANS****DEMOCRATS**

Almy, Susan W., Chairman  
 Hamm, Christine C., Vice Chairman  
 Davis, Frank W.  
 Butynski, William  
 Mulholland, Catherine  
 Vachon, Dennis P.  
 Shattuck, Gilman C.  
 Brunelle, Michael  
 Hatch, William A.  
 Kelley, John  
 Mack, Ron  
 Marsh, Michael G.

**REPUBLICANS**

Major, Norman L.  
 Camm, Kevin L.  
 Griffin, Mary E.  
 Hinkle, Peyton B.  
 Lockwood, Priscilla P.  
 Lund, Howie  
 Wells, Roger G.  
 Ulery, Jordan G.

**RECESS****(Speaker Norelli in the Chair)**

Rep. Wallner moved that the House adjourn.  
 Adopted.

## **HOUSE JOURNAL No. 3**

Thursday, January 4, 2007

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

O gracious and loving God, on this festive day of inauguration and of oath taking, we pause to ground ourselves in the realities of our own lives and to lift up for just a moment in our own hearts the prayers that we hold for those who are near and dear to us; family and friends who may be in need or under great stress or duress; people who are in the hospital or in need of Your care. These we offer up to You in our hearts. We pray for a spirit of community during this day of celebration and inauguration and ask that Your presence be ever present. In Your Holy name we pray. Amen.

Rep. Whalley, member from Alton, led the Pledge of Allegiance.

### **LEAVES OF ABSENCE**

Reps. Bleyler, Flockhart, Hunt, Lessard and Major, the day, illness.

Reps. Aguiar, Ahlgren, Janet Allen, Gene Andersen, Arsenault, Beaulieu, Carolyn Brown, Larry Brown, Butler, Chris Christensen, Converse, David Cote, Coughlin, DeJoie, DiFruscia, Stephanie Eaton, Emiro, Espiefs, Donald Flanders, Gargas, Goodwin, Greco, Heald, Henson, Hilliard, Hopfgarten, Hutchinson, Hutz, Infantine, Ingbretson, Introne, Jean, Stephen Johnson, Phyllis Katsakiores, Sally Kelly, Kepner, Kjellman, Lasky, Lister, Manney, Martin, Matheson, McEachern, McGuirk, McKinney, Charles McMahon, Mears, Merrow, Mesa, Mooney, Bennett Moore, Nagle, Nedeau, Nielsen, O'Connell, O'Keefe, Patten, Peterson, Priestley, Reagan, Reed, Reeve, Reeves, Reuschel, Carl Robertson, Michael Rollo, David Russell, Sanders, Schmidt, Schulze, Serlin, Spang, Spaulding, Stevens, Stohl, Sysyn, Tahir, Tholl, Weed and Wickson, the day, important business.

Rep. Butcher, the day, illness in the family.

Rep. Jennifer Brown, the day, death in the family.

### **INTRODUCTION OF GUESTS**

Pauline Chabot, partner of Rep. Morrison. Patricia Holmes, Ken and Jodi Roos and Tammy Clark, partner and guests of Rep. DeChane. Faith Tobin, wife of Rep. Tobin. Kathy Walsh and Larry Murphy, guests of the Speaker.

### **RESOLUTION**

Reps. Wallner and Whalley offered the following: **RESOLVED**, that the House of Representatives inform the Honorable Senate that it is ready to meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, for the Inauguration of the Governor and for the taking of the oath by the Executive Council. Adopted.

### **SENATE MESSAGE**

The Senate is now ready to meet with the Honorable House of Representatives in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, and for the Inauguration of the Governor, the Honorable John H. Lynch, and for the taking of the oath by the Executive Council.

### **JOINT CONVENTION**

**(Speaker Norelli presiding)**

The Sergeant-at-Arms introduced the Honorable Senate and Senate President, Sylvia B. Larsen from Concord.

### **REPORT**

Reps. Robert Johnson, Wallner and Pantelakos and Sens. Foster and Gatsas offered the following report: The Joint Committee appointed to compare and count the votes for Governor and Executive Council reports that it has attended to its duties and the vote is correct.



## INTRODUCTION AND SEATING OF SPECIAL GUESTS

The Sergeant-at-Arms introduced special guests who were escorted to their seats by the following Aides-de-camp: Major Daniel T. Wilson, Major Jeanne B. Jones, Captain Stephanie J. Saturno, Chief Warrant Officer Richard F. Plante, Major David A. Fink, Lieutenant Colonel James M. Moody, Lieutenant Colonel Luis N. Maldonado, Major Stephanie A. Riley, Major Strider Sulley, Major Jeffrey R. Cole, Lieutenant Colonel Eugene Ritzo, Major Baldwin Domingo.

Special guests included family and friends of Governor-elect Lynch. Mayors: Hon. Michael Donovan of Concord and Hon. Steve Marchand of Portsmouth. Commissioners and Department Heads. State Treasurer Catherine Provencher. Secretary of State William Gardner. House Leadership. Representatives of state and local law enforcement: Trooper First Class Louis A. Copponi and Chief James S. Valiquet, Town of Bedford. Attorney General Kelly Ayotte. Ambassador to the United States, Hon. Edward Shumaker and Mrs. Polly Shumaker. Former House Speaker, Hon. W. Douglas Scamman and Hon. Stella Scamman. Administrative Judge representing New Hampshire Probate Courts, Hon. David King. Administrative Judge representing New Hampshire District Courts and the Family Division, Hon. Edwin W. Kelly. Chief Justice representing New Hampshire Superior Courts, Hon. Robert Lynn. Associate Justices of the New Hampshire Supreme Court: Hon. James Duggan, Hon. Richard Galway and the Hon. Gary Hicks. Senior Associate Justice of the New Hampshire Supreme Court, Hon. Linda Dalianis. Chief Justice of the New Hampshire Supreme Court, Hon. John T. Broderick, Jr. Former Governors: Hon. Walter Peterson and Mrs. Dorothy Peterson, Hon. Stephen E. Merrill, Hon. Jeanne C. Shaheen and Mr. William Shaheen. The Reverend Clergy. Retiring Executive Councilor representing District 3, Hon. Ruth L. Griffin. The Executive Council elect: Hon. Raymond Burton, Hon. John D. Shea, Hon. Beverly A. Hollingworth, Hon. Raymond J. Wiczorek and Hon. Debora B. Pignatelli. Hayden, Julia and Jacqueline Lynch, son and daughters of Governor-elect Lynch. Hon. Mary Louise Hancock, guest of Governor-elect Lynch.

Governor-elect John H. Lynch and Dr. Susan Lynch were escorted to the rostrum by the Adjutant General, Kenneth Clark.

The New Hampshire Police Association Pipes and Drums performed.

## INVOCATION

Offered by Rabbi Beth D. Davidson of Temple Adath Yeshurun in Manchester.

Nearly two thousand years ago, Rabbi Tarphon taught - you are not required to complete the work, but neither are you free to abstain from it. This new year is rich with possibilities and fraught with challenges. The governance of our state will require much from those that we have elected to lead us. Time, energy, open minds and hearts, a willingness to compromise and a commitment to the good and welfare of all of New Hampshire's residents. There will always be more to do and none of us, the Governor, the Legislature or the citizens can rest on our laurels until our state is a place where each and every one of us can dwell under the proverbial fig tree and vine in security and comfort and in peace. The enormity of the task however may not frighten or defeat us as we do our best to accomplish everything for which we hope and pray. So as we stand here today, O God, we ask that You bless all of our public servants with vision and strength, with humility and dignity, with compassion and hope, with civic pride and civil discourse, with mutual respect and true tolerance. May they lead us ever mindful of the diversity which enriches New Hampshire, with appreciation for the bounty You have given us and with care for our environment and our populace. May they continue to be committed to the pursuit of life, liberty and happiness for each of us and to a New Hampshire that is prosperous and compassionate. May our Governor, John H. Lynch, be blessed with good health and sound judgment. May he never be afraid to lead by example or to ask for help. May he be inspired not only by the acts of so many men and women who have preceded him in a life of public service, but by You, the God of the universe, who wants all of us to live in peace. And let us together say Amen.

## POSTING OF COLORS

Members of the New Hampshire National Guard Honor Guard posted the Colors.

## PLEDGE OF ALLEGIANCE

Kristina Abbot, Madison Noyes, Isabel Price, Johnny Silk, Matthew Stone, Maya Swope, Logan Symonds, Rusty Wilder, Fiona Morris, Galena Walker and Julia Walker from the Wells Memorial School Civics Club of Harrisville, led the Pledge of Allegiance.

### NATIONAL ANTHEM

The National Anthem was sung by the members of Alabaster Blue from the University of New Hampshire in Durham.

### OATHS OF OFFICE

The Honorable John T. Broderick, Jr., Chief Justice of the New Hampshire Supreme Court administered the oath of office to Governor-elect John H. Lynch. Dr. Susan Lynch, Jackie, Hayden and Julia Lynch joined the Governor on the rostrum.

Governor Lynch administered the oath of office to the Honorable Executive Councilors-elect Raymond S. Burton, John D. Shea, Beverly A. Hollingworth, Raymond J. Wieczorek and Debora B. Pignatelli.

### PRAYER

A Prayer for a Successful Administration was offered by Rev. Jared A. Rardin of the South Congregational Church, United Church of Christ in Concord. He was accompanied by Debra Douglas, Robert and Helen McGlashan and Alan McGlashan performing a musical interlude with their rendition of "We Gather Together."

Though we are many today, we are in many ways one. During this Prayer for Governor Lynch and his administration, I invite us to express that oneness in heart and voice. After the spoken prayer, the quartet will sing three verses of the Thanksgiving hymn "We Gather Together." We will then invite everyone who wishes to join in by singing or humming the first verse one last time.

O God, on this festive inaugural day of oath-taking and promise making; on this day when the high ideals and weighty responsibilities of public leadership converge, we pause. We pause to remember the human beings who find themselves in the middle of it all. We pray for Your servant, our Governor John Lynch. We give You thanks for John's willingness to lead, and for his constant invitation to collaboration. We pray that You would help him to stay human through the daily onslaught of needs and wants which find their way to him. Grant him the occasional moment to take sanctuary from the daily grind and to breathe deeply; grant him frequent laughter, and plenty of room, when he needs it, to ground himself anew in the leadings of his own conscience. And we pause to pray also for his wife Dr. Susan Lynch and their children Jacqueline, Julia and Hayden; that they might know a daily sense of Your Holy Presence. Guide them through the inevitable times of private and public challenge, and grant to them the energy and the wisdom to remain authentic and real in a world so bent on pretense. Let Your wisdom also guide the members of the Executive Council, Raymond Burton, Beverly Hollingworth, John Shea, Raymond Wieczorek and Debora Pignatelli, that together this administration might indeed be successful. And may its success be measured not only in bills passed and policies shaped, in business developed and dollars spent. May it be measured in the meeting of minds and the deepening of community. May it be measured by a sense of working together and shared humanity. May it be measured in families blessed, individual lives strengthened, strangers welcomed, hungry fed, homeless housed. May it be measured in hands outstretched and hearts awakened. Bless this Administration, we pray, and all who work to support it. And bless us all, that, together, we may indeed be a blessing to others. Amen.

### POEM

New Hampshire Poet Laureate Patricia Fargnoli of Walpole recited one of her works.

### INAUGURAL ADDRESS

Governor John H. Lynch delivered his Inaugural Address.

Thank you all very much. Madam Speaker, Madam President, Mr. Chief Justice and members of the judiciary, Honorable members of the House, Senate and Executive Council, and my fellow citizens of New Hampshire:

You have again entrusted me with the sacred responsibility of serving as a steward of our great state, of protecting our traditions and building our future, of protecting your interests and those of generations to come. I pledge to you once again that every day, in every endeavor, I will work to honor your trust.

Let me take a moment to thank the four most important people in my life. The love of my life, my best friend and our exceptional first lady, my wife Susan. Our children; Jackie, a college student; Julia, a senior in high school; and Hayden, an eighth grader. I would not be here today without their love and support.

Many of our citizens are serving today with the New Hampshire National Guard and other armed services in Iraq, Afghanistan and other troubled spots around the world. I've had the privilege of meeting many of these brave men and women. Let us pray for their safe return to their families and please join me in thanking them for their courage and their sacrifice.

We live in the greatest state in the greatest country in the world. Today is a day of new beginnings, a day to celebrate all that makes New Hampshire so special. We celebrate the history and traditions that still guide our state. We celebrate the innovation that drives our strong economy. We celebrate the volunteer and civic spirit that makes our communities so strong. We celebrate New Hampshire's natural beauty – majestic mountains, abundant forests and clean waters. But most of all we celebrate New Hampshire's people. We celebrate the veterans who sacrificed to protect us, the seniors who built our great state. We celebrate the police officers, firefighters and EMTs who keep us safe; the teachers who shape the next generation; the state employees and the municipal employees who serve us all; the hard-working men and women who keep our state vibrant; and the children who represent our hope for the future. Our people are what make New Hampshire so strong and great.

Today, we celebrate New Hampshire's past and present, and begin the next chapter of our history. In 1819, Samuel Bell delivered the first address by a Governor to a Legislature in this State House, saying: "Important trusts have been committed to us by our fellow citizens. The general good is the object which we should have in view." It is, he said, "...a trust of great responsibility." These are trusts we all share, regardless of political party: improving education, strengthening our economy, expanding access to health care, ensuring public safety, and preserving our natural environment.

There has been a historic change in the composition of this Legislature, but our duty to the people has not changed. Our duty is not to seek Democratic solutions or Republican solutions, but rather, we must seek New Hampshire solutions to the challenges we face. To all the members of the Legislature, please know that I am committed to working with all of you. We will not always agree, but we are united in our love for New Hampshire and its people. That common devotion is stronger than anything that may divide us. Together, we can rise to meet the expectations of our citizens. This is the lesson of the past two years; and let us go forward in that same spirit.

The New Hampshire we live in today was shaped by the decisions and ideas of all those who came before us. As we begin our work together, let us remember that the decisions that we make will shape New Hampshire and the lives of our people for 10, 20, 100 years to come. By committing ourselves to the people of this state, by embracing New Hampshire values and traditions, by working together, we will lay a strong foundation for New Hampshire's future.

Our future depends on our children and our children's future depends on their education. The state of New Hampshire plays an important role in public education – from setting clear standards for what we expect our children to learn to helping finance the costs of education. Let us embrace that responsibility and work toward a sensible and sustainable approach for ensuring a quality education for all of our children.

Too often, our education debates have focused on the frustration with the courts or the desire by some to fundamentally change our state's tax structure. The people of New Hampshire have spoken clearly. They believe, as I do, that the state has a responsibility for public education. They believe, as I do, that the state should meet that responsibility without fundamentally changing our tax structure, particularly without a sales or income tax. Let us put these old debates behind. Let us move past distrust for one another's motives. Let us trust that we all want what's best for New Hampshire's children.

Our first step is to define more clearly an adequate education – what our students will need to know to succeed as citizens and to compete in today's economy. As a state, we already have curriculum requirements in our school approval standards that clearly spell out what we believe all students should know by the time they graduate from high school. By using these requirements as our foundation, we can most certainly meet this challenge. Our goal is to ensure educational opportunity for all of our children. We know that there are some communities that can offer more to their students, while other communities struggle to just provide the basics. A school funding formula that distributes essentially the same amount of state aid for every student, regardless of community and need, will only widen these disparities of opportunity. In contrast, directing education aid to the communities with the greatest need will help ensure fair opportunities for all of our students. We can lift up the communities that are struggling to provide a quality education and ease the burden of property taxes in communities that struggle the most.

As a state, we have a moral and a constitutional responsibility for education. To make real progress on this issue, we need to focus on how we ensure the best education possible for every child in New Hampshire. When this is our only focus, I believe most people in New Hampshire and in this Legislature would agree that we should target education aid to the children and to the communities that need it most. However, we must recognize that the court's interpretation of the Constitution makes it difficult to implement an effective targeted aid law. To implement the best education policy for our state, I strongly believe that we must be open to considering a narrow amendment to our Constitution. Not an amendment that allows the state to walk away from its responsibility for education. Not an amendment to take the courts out of education. But instead, an amendment that affirms the state's responsibility for education, and allows us to direct education aid to the children and communities which need it the most. I ask everyone in this chamber to work with me to craft a solution that is right for our children and right for our state.

In 1903, the New Hampshire Legislature passed a law requiring young people to stay in school until age 16. Their goal was to make sure children did not leave school without the basic education they needed to get good jobs and live better lives.

The world today is very different than it was in 1903. Today a high school diploma is the minimum price of admission for most jobs. Yet 20 percent of our young people are dropping out of high school. These young people will not get the opportunities they deserve. Half a high school education is now no longer enough. That's why we must increase our compulsory attendance age from 16 to 18.

In my budget, I will propose the funding necessary to expand alternative learning programs, including technical education, internships and night school, to help students who don't necessarily do well in traditional classroom settings. This is just the first step in a comprehensive approach to giving every child a chance to succeed. Quality early learning, kindergarten and early intervention are also important parts of our long-term strategy for increasing the graduation rate. Together, we will make it possible for every child in New Hampshire to graduate from high school.

To keep businesses here in New Hampshire, we must encourage more of our young people to pursue careers right here in New Hampshire. That's why we must make it possible for more of our students to attend college in our state. Two years ago, we launched a new scholarship program at the university system. Last year, we froze tuition at the community technical colleges. Now, we must continue to work together to make higher education more affordable and accessible for our families here in New Hampshire. Project Running Start opens the door to college for many students. It allows high school students to take college-level classes right at their own local schools. They can earn credits that are accepted by colleges across New Hampshire and across the nation. Let us set a goal of doubling the number of students who can enroll in Project Running Start so we can help more families save on college costs.

The door to college should be open to every student who works hard.

Let us also invest in today's workers. In every part of New Hampshire, business leaders tell me that they have the products; they have the customers; but they need skilled workers if their businesses are to stay and grow in New Hampshire. Our workers – and the companies that employ them – must continually master new skills and new technologies to compete globally. By reinstating the Job Training Fund, we can partner with companies to train New Hampshire workers for good jobs. Let's keep businesses and jobs right here in New Hampshire.

I want every person in New Hampshire to have the chance for a better life. That means helping move people off welfare into sustained employment and lasting self-sufficiency. That will not be accomplished just with sanctions, but with a helping hand – child care, transportation, and, most importantly job training. In two years, I don't want to say that we've cut our welfare rolls. I want to say that we've made it possible for more families to take care of themselves.

Our economy is strong now, and we must act to secure that prosperity for the future. Innovation spurs economic growth, and creates opportunities for all of our people. Creating a research-and-development tax credit will nurture creativity and attract emerging industries to New Hampshire. It is a small investment that will pay big dividends for our workers and for our families.

Our nation needs a comprehensive energy policy for its continued economic growth. But we can take steps here in New Hampshire to help stabilize energy costs. I have set a goal of ensuring that 25 percent of our energy comes from renewable sources by 2025. Reaching that goal will give us more choices; will make our air and water cleaner; and will help create jobs right here in New Hampshire – by expanding uses of our wood products, in building clean power plants, and in research and development. This is the future; let us put New Hampshire right at the forefront.

Many of our families in New Hampshire are working hard just to get by – to pay for food, housing and child care. There is often not enough for the basics, let alone the extras. Let us do the right thing for our families and finally increase the minimum wage. In New Hampshire we value fiscally responsible government that puts the needs of the people first. That's why I will present to this Legislature in February a responsible and balanced budget. It will be a budget that protects the interests of our people, and invests in building a stronger future. And I will work with you to address our state's long-term fiscal challenges, including safeguarding our public retirement system. Our state and municipal employees, our firefighters, our police officers, our teachers have served us well. They deserve a secure retirement.

In making appointments, I will continue to select the best and most competent people for the job, regardless of political party. Leaders who share our New Hampshire values of compassion, innovation and cooperation. We came together in the past two years to restore the people's trust in state government and to pass comprehensive ethics reform. Together, we must continue to demand the highest standards of ethics and integrity.

New Hampshire was once again named one of the healthiest states in the nation. I am confident that we can make health care even better in New Hampshire. Our population is aging and that is putting a greater strain on our Medicaid system. We should look to reform, but thoughtfully, compassionately. We should help more seniors stay in their own homes and communities. We will accomplish that goal not with arbitrary rules, or by making it difficult for eligible seniors to receive Medicaid. But by holding true to our values and ensuring that there is the community care available to give our seniors the quality care and respect that they have earned. By harnessing new technologies, we can and we will make health care more affordable and accessible to all of our citizens. My Citizens Health Initiative is putting New Hampshire at the vanguard of change, and it is doing it the New Hampshire way – by bringing providers, consumers and business leaders to find common ground and real solutions. New Hampshire is the first state in the nation to set an aggressive timetable – October 2008 – for ensuring that all our health care providers have the ability to write prescriptions electronically. Electronic prescribing will reduce medical errors, save lives and save tens of millions of dollars a year in health care costs.

We all pay a high cost for the number of uninsured. When preventable illnesses turn into chronic diseases, or when an uninsured person is forced to seek emergency room care, we all see these costs in our insurance premiums. We must work together to reduce costs and expand access to health care for all of our citizens. That starts with making sure every child has access to health insurance and quality health care. Children with access to health care do better in school and better later in life. Our children's health insurance program is one of the best investments we make as a state. It is the right thing to do for our children and the smart thing to do for our future. We must act to expand our children's health insurance program this year.

New Hampshire is one of the safest states in the nation and this is in large part due to the commitment of our first responders. In October, we experienced a terrible reminder of the dangers these men and women face with the murder of the Police Officer from Manchester, Michael Briggs. Officer Briggs was a dedicated public servant who gave his life protecting all of us. The murder of a police officer strikes at the very heart and fabric of our society, and we all felt the loss of Officer Briggs. But, in the face of that tragedy, we also saw what makes New Hampshire strong – in the continued commitment to duty of Manchester's police officers and law enforcement all over our state and in the outpouring of support from people across Manchester and across New Hampshire. We all have a role to play in keeping our communities safer.

I will soon create a Crime Commission, with representatives of law enforcement, communities and nonprofits, to make concrete recommendations on how we can improve our laws and work together to keep New Hampshire safe. We must crack down on the crimes in the 21st century. Technology is changing the way we all work and the way we do business. But it also poses new threats. I will propose legislation to toughen penalties on people who use the Internet to prey on our children. Let's make sure that our children are safe in their neighborhoods, schools and online. Our state's breathtaking landscapes and natural resources are part of our heritage and part of the legacy we are entrusted with safeguarding for the future.

The burning of toxic construction and demolition debris poses an unnecessary danger to the health of our citizens and the health of our environment. A moratorium is not enough. The risks are too great. We must permanently ban the burning of construction and demolition debris here in New Hampshire.



Groundwater is a resource essential to the future health of our citizens, and to meeting the future demands of our economy. Without access to clean water, our businesses cannot grow and our families cannot thrive. Our state needs a comprehensive groundwater policy that balances the needs of our citizens. We must act now to protect our groundwater.

Our state parks here in New Hampshire attract tens of thousands of visitors every year. They are treasures that belong to all of our citizens, today and tomorrow. We must come together to protect our state parks for the future. Some of our most historic places are falling into disrepair and some of our most beautiful places are in danger of being lost to us forever. We must preserve what is special about New Hampshire by recommitting ourselves to the Land and Community Heritage Investment Program.

I've traveled to every corner of this great state. I've visited police stations and firehouses, schools, state agencies and town offices, state parks and farms, businesses, big and small. I have met with our veterans, our seniors, our workers and with our children. I've seen how the traditions of our state live on and I've seen the great promise our future holds.

Let our legacy be that we came together, Democrats, Republicans and Independents to put partisanship aside and rose to meet the real challenges our state faced. Let our legacy be that we protected what is special about New Hampshire. Let our legacy be of clean, honest and representative government. Let our legacy be that we came together to lay the foundation for expanded opportunity for all of our citizens; the foundation for a safer, healthier and more prosperous New Hampshire. Generations before us came together to preserve and build the great state that we live in today. Let us, together, keep the promise of New Hampshire's future.

### **BENEDICTION**

Cynthia Johnson, Minister of Education of the First Baptist Church of New London, offered the Benediction.

Creator, sustainer, our source and our center who gives wings to ideas and hopes and vision. Lift us up by the strength found from within and beyond ourselves to that place where the world's needs and where our passions meet. May we be moved today to take steps toward each other, toward the center inward and upward. May our vision be illuminated by this sustaining power of the One who lights the star fields and even still promises to burn bright as the light to our human hearts. May our ears be opened beyond distraction to this same voice that in the breath of dawn awakens us and stirs us to be agents of change in this world. Breathe in us newness and hope. And may we, O liberator God, have the courage and the commitment to diligently seek after what is good and right. To do justice, to love kindness and to walk humbly with You, in the end, recognizing and trusting in Your sustaining hand that holds the celestial skies and even still embraces and dearly loves all of creation. O love that fires the sun, O love that fires the sun, keep us burning. And may God raise you up on eagle's wings and bear you on the breath of dawn. And make you to shine like the sun and hold you in the palm of God's hand. And hold you; hold you in the palm of God's hand. Amen.

Trumpeters Nick Garlow, Timothy Denoncour, Nicholas Ellis, Shannon MacKenzie and Heather Scammon from Hopkinton High School played as the Governor and special guests were escorted from the Hall.

Rep. Wallner and Sen. Foster moved that the Joint Convention arise.  
Adopted.

The Joint Convention adjourned.

### **HOUSE SESSION** **(Speaker Norelli in the Chair)**

#### **RESOLUTION**

Rep. Wallner offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 31 through 49, and 51 through 56 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 31-FN**, requiring the licensure of property and casualty insurance appraisers. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13: Commerce)

**HB 32**, requiring photo identification to obtain a ballot. (Lund, Rock 5; Hopfgarten, Rock 5; Hinkle, Hills 19; Villeneuve, Hills 18: Election Law)

**HB 33**, relative to the compensation of members of the county convention. (Stohl, Coos 1; King, Coos 1; Tholl, Coos 2; Theberge, Coos 4: Municipal and County Government)

**HB 34**, establishing a committee to study barbering and barbering training. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Welch, Rock 8; J. Flanders, Rock 8; Weyler, Rock 8: Executive Departments and Administration)

**HB 35**, establishing a commission to study human trafficking issues in New Hampshire. (Ulery, Hills 27; Renzullo, Hills 27; L. Ober, Hills 27: Criminal Justice and Public Safety)

**HB 36**, relative to the reporting of municipal liens in consumer reports. (Walz, Merr 13: Commerce)

**HB 37**, relative to notification requirements for criminal offenders. (J. Thomas, Belk 5; J. Allen, Belk 5: Education)

**HB 38**, relative to terms of appointment for certain state officers. (Shurtleff, Merr 10: Executive Departments and Administration)

**HB 39**, repealing the penalty provision in discretionary preservation easements. (Shurtleff, Merr 10: Municipal and County Government)

**HB 40**, relative to living wills and durable powers of attorney for health care. (Rowe, Hills 6; Mooney, Hills 19; N. Elliott, Hills 19: Judiciary)

**HB 41**, relative to human immunodeficiency virus education, prevention, and control. (MacKay, Merr 11: Health, Human Services and Elderly Affairs)

**HB 42**, requiring zoning ordinances to encourage preservation or restoration of stone walls. (Lockwood, Merr 6; Owen, Merr 4: Municipal and County Government)

**HB 43**, relative to the procedure for establishing medicaid reimbursement rates. (C. McMahon, Rock 4; Emerson, Ches 7; Donovan, Sull 4; MacKay, Merr 11; Batula, Hills 19: Health, Human Services and Elderly Affairs)

**HB 44**, relative to the authority of animal control officers. (Welch, Rock 8; Tholl, Coos 2; Weyler, Rock 8; J. Flanders, Rock 8: Criminal Justice and Public Safety)

**HB 45**, relative to addresses on motor vehicle registrations. (Almy, Graf 11; Tholl, Coos 2: Transportation)

**HB 46-FN-A-L**, making an appropriation to support kindergarten programs in the towns of Merrimack, Hampstead, and Goffstown. (C. Christensen, Hills 19; Batula, Hills 19; Emerton, Hills 7; Wells, Rock 8; Hinkle, Hills 19; Roberge, Dist 9; Letourneau, Dist 19: Finance)

**HB 47**, exempting inheritances from marital assets for purposes of divorce settlements. (Nowe, Rock 9; B. Williams, Graf 8; Gionet, Graf 3: Children and Family Law)

**HB 48**, relative to the definition of "party" for election purposes. (Davis, Merr 7; Greco, Merr 7; S. Kelly, Merr 7: Election Law)

**HB 49**, relative to eligibility for admittance to the New Hampshire veterans' home. (D. Smith, Hills 22; Shurtleff, Merr 10; L'Heureux, Hills 19; Griffin, Rock 4; P. Garrity, Hills 14; Barnes, Dist 17; Kenney, Dist 3; Letourneau, Dist 19; Foster, Dist 13: State-Federal Relations and Veterans Affairs)

**HB 51**, permitting adoption by 2 unmarried adults in a familial relationship. (Lockwood, Merr 6; Bouchard, Merr 11; Tupper, Merr 6; Blanchard, Merr 10; MacKay, Merr 11: Children and Family Law)

**HB 52**, relative to leasing the Cannon Mountain ski area. (King, Coos 1; Chandler, Carr 1; Price, Hills 26; Gionet, Graf 3; Gallus, Dist 1: Resources, Recreation and Development)

**HB 53**, relative to school health personnel. (Harding, Graf 11; French, Merr 5: Education)

**HB 54**, establishing a commission to study automobile recycling issues, including disposal fees. (Knox, Carr 4; S. Merrick, Coos 2: Executive Departments and Administration)

**HB 55**, relative to required use of tail lamps. (Webb, Merr 2: Transportation)

**HB 56**, relative to the definition of agritourism. (O'Connell, Hills 6; B. Williams, Graf 8; Tobin, Belk 2; Beaulieu, Hills 17: Resources, Recreation and Development)

**RECESS MOTION**

Rep. Wallner moved that the House stand in recess for the purpose of introduction of bills.  
Adopted.

The House recessed at 1:15 to the call of the Chair.

**RECESS**

**(Rep. Foster in the Chair)**

**RESOLUTION**

Rep. MacKay offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 57 through 74, 76 through 99, 101 through 103, House Concurrent Resolutions numbered 1 and 2 and Constitutional Amendment Concurrent Resolutions numbered 1 through 3 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.  
Adopted.

**INTRODUCTION OF HOUSE BILLS, HCRS AND CACRS****First, second reading and referral**

**HB 57**, relative to advance directives for durable powers of attorney and living wills. (N. Elliott, Hills 19: Judiciary)

**HB 58**, requiring municipalities to establish volunteer civilian police review boards. (T. Robertson, Ches 3: Municipal and County Government)

**HB 59**, relative to crossbow hunting by a person with a disability. (J. Allen, Belk 5; D. Russell, Belk 6; Whalley, Belk 5; Barnes, Dist 17: Fish and Game)

**HB 60**, relative to the definition of an adequate education. (P. Allen, Ches 6; Foose, Merr 1: Education)

**HB 61**, designating segments of the Ammonoosuc River into the rivers management protection program. (Remick, Coos 2; McLeod, Graf 2; Sorg, Graf 3; Gallus, Dist 1; Reynolds, Dist 2: Resources, Recreation and Development)

**HB 62**, relative to limiting the number of balloons released into the atmosphere. (Waterhouse, Rock 4; Ingram, Rock 4; Griffin, Rock 4; Cloutier, Sull 4: Environment and Agriculture)

**HB 63**, allowing counties to regulate conflicts of interest in elected and appointed county officers and employees. (Patten, Carr 4; Phinizy, Sull 5: Municipal and County Government)

**HB 64-FN**, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order. (Rowe, Hills 6: Criminal Justice and Public Safety)

**HB 65**, relative to the appointment of the director of the division of ports and harbors. (Pantelakos, Rock 16; Powers, Rock 16: Executive Departments and Administration)

**HB 66**, relative to display of antique motor vehicle plates. (Greco, Merr 7; L'Heureux, Hills 19; Phinizy, Sull 5; Barnes, Dist 17; Gatsas, Dist 16: Transportation)

**HB 67**, relative to liens filed with public servants. (Ingbretson, Graf 5; Itse, Rock 9: Judiciary)

**HB 68**, relative to the terminology used to describe public education. (King, Coos 1: Education)

**HB 69**, relative to the solemnization of marriages. (Itse, Rock 9: Judiciary)

**HB 70**, including nonresident property owners who are veterans and at least 65 years of age in the persons qualified to receive the veterans' property tax credit. (G. Katsakiores, Rock 5; P. Katsakiores, Rock 5: Municipal and County Government)

**HB 71**, excluding a municipality's list of owners of registered dogs from the right-to-know law. (Patten, Carr 4: Judiciary)

**HB 72**, relative to the payment of municipal sewage assessments. (F. Tilton, Belk 4: Municipal and County Government)

**HB 73**, relative to contractor bids. (Ulery, Hills 27; Renzullo, Hills 27; Crane, Hills 21; L. Ober, Hills 27: Commerce)

**HB 74-FN-A-L**, relative to matching funds for federal disaster assistance for the October 2005 floods and making an appropriation therefor. (Phinizy, Sull 5; Ferland, Sull 5; Butynski, Ches 4; Parkhurst, Ches 4; Sad, Ches 2; Odell, Dist 8: Finance)

**HB 76-FN**, creating an environmental policy for New Hampshire. (Ryan, Merr 2; C. Chase, Hills 2; S. Merrick, Coos 2; McKenna, Rock 5; Hassan, Dist 23: Environment and Agriculture)

**HB 77**, prohibiting cancellation of property and liability insurance on the basis of certain political activities. (C. Chase, Hills 2; Kaelin, Hills 4; DeJoie, Merr 11; Pelkey, Ches 7; D. Eaton, Ches 2: Commerce)

**HB 78**, relative to health insurance coverage for certain unmarried children. (Moran, Hills 18; Gile, Merr 10; Julie Brown, Straf 1; Cooney, Graf 7: Commerce)

**HB 79**, relative to the safety of school bus stops. (Davis, Merr 7; Yeaton, Merr 8; Hamm, Merr 4; Greco, Merr 7; Porter, Merr 8: Education)

**HB 80**, relative to breast-feeding. (Serlin, Rock 16; Powers, Rock 16; Flockhart, Rock 13; Rochette, Hills 20; Fuller Clark, Dist 24: Children and Family Law)

**HB 81**, relative to required pay for employees called into work. (Renzullo, Hills 27: Labor, Industrial and Rehabilitative Services)

**HB 82**, relative to communications outside meetings under the right-to-know law. (J. Thomas, Belk 5; J. Garrity, Rock 6; Espieffs, Ches 3: Judiciary)

**HB 83**, relative to the deliberations of certain state agencies under the right-to-know law. (J. Thomas, Belk 5; J. Garrity, Rock 6; Espieffs, Ches 3: Judiciary)

**HB 84**, relative to the hours of operation of vehicle inspection stations. (T. Robertson, Ches 3: Transportation)

**HB 85**, establishing a study committee on awarding the deferred compensation contract to AETNA/ING. (Marshall Quandt, Rock 13: Executive Departments and Administration)

**HB 86**, establishing a committee to study educational and social services programs that serve families with children 6 years old and younger. (Gile, Merr 10; Gargasz, Hills 5; Stiles, Rock 15: Children and Family Law)

**HB 87**, relative to the exceptions to compulsory school attendance. (Dunn, Ches 3: Education)

**HB 88**, establishing a committee to study single payer health care. (Weed, Ches 3: Commerce)

**HB 89**, relative to strikes by public employees. (Weed, Ches 3: Labor, Industrial and Rehabilitative Services)

**HB 90**, establishing a committee to study the feasibility of imposing a luxury sales tax and an amusements tax. (Weed, Ches 3: Ways and Means)

**HB 91-FN**, relative to registration fees for lobbyists and requiring registration of employers of lobbyists. (Weed, Ches 3: Legislative Administration)

**HB 92**, decriminalizing marijuana. (Weed, Ches 3; Ingbretson, Graf 5; Vaillancourt, Hills 15: Criminal Justice and Public Safety)

**HB 93**, relative to use of the child support guidelines worksheet. (McRae, Hills 7; Villeneuve, Hills 18: Children and Family Law)

**HB 94**, relative to overpayments of child support. (McRae, Hills 7; Villeneuve, Hills 18: Children and Family Law)

**HB 95-L**, including charter school pupils in the average daily membership in residence in the pupil's district of residence. (Casey, Rock 11: Education)

**HB 96-FN-A**, relative to the replacement of the Neil Underwood bridge over the Hampton River and making a capital appropriation. (Benjamin Moore, Rock 14; Stiles, Rock 15: Public Works and Highways)

**HB 97**, relative to the recording of audio and video images on private property for security purposes. (Dumaine, Rock 3; Itse, Rock 9; N. Elliott, Hills 19; Headd, Rock 3; Baldasaro, Rock 3: Criminal Justice and Public Safety)

**HB 98**, relative to the situation of landfills on land owned by municipalities. (Tupper, Merr 6; McLeod, Graf 2; Donovan, Sull 4; Rodeschin, Sull 2; Odell, Dist 8; Janeway, Dist 7: Environment and Agriculture)

**HB 99**, relative to the youth employment law. (Hilliard, Straf 2; Splaine, Rock 16: Labor, Industrial and Rehabilitative Services)

**HB 101**, relative to annual training for members of the workers' compensation appeals board. (Goley, Hills 8; DeJoie, Merr 11; D. Sullivan, Hills 8; Long, Hills 10: Executive Departments and Administration)

**HB 102**, relative to requirements for restaurants operating cocktail lounges. (Velez, Hills 12: Commerce)

**HB 103**, establishing a commission to study the state highway trust fund. (Bouchard, Merr 11; Cloutier, Sull 4; Graham, Hills 18: Public Works and Highways)

**HCR 1**, declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an “adequate education,” adopt “standards of accountability,” and “guarantee adequate funding” of a public education are not binding on the legislative and executive branches. (Sorg, Graf 3: Judiciary)

**HCR 2**, urging the federal government to establish a post office and a zip code in the town of Lee. (Wall, Straf 7; Spang, Straf 7; M. Smith, Straf 7; Rous, Straf 7; Kaen, Straf 7; Estabrook, Dist 21: State-Federal Relations and Veterans Affairs)

**CACR 1**, Relating to the definition of marriage. Providing that marriage between one man and one woman shall be the only legal union that shall be valid or recognized in this state. (Dumaine, Rock 3; Itse, Rock 9; Boyce, Belk 5; Headd, Rock 3; N. Elliott, Hills 19: Judiciary)

**CACR 2**, Relating to the definition and constitutionality of judicial and legislative acts. Providing that the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts. (Sorg, Graf 3: Judiciary)

**CACR 3**, Relating to the appropriation of certain revenues. Providing that the scope of appropriations from certain revenues shall be broadened. (Lockwood, Merr 6: Finance)

## RECESS

(Rep. McKinney in the Chair)

## RESOLUTION

Rep. Drisko offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 104 through 108 and Constitutional Amendment Concurrent Resolution number 4 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.  
Adopted.

## INTRODUCTION OF HOUSE BILLS AND CACR

### First, second reading and referral

**HB 104-FN**, relative to renewal of drivers' licenses by certain national guard members. (Bishop, Rock 2; B. Shaw, Hills 16; Coughlin, Hills 4; Kjellman, Merr 5; Burling, Dist 5; Barnes, Dist 17; Letourneau, Dist 19; Kenney, Dist 3; Clegg, Dist 14: State-Federal Relations and Veterans Affairs)

**HB 105**, repealing the parental rights and responsibilities and child support impact seminar requirement. (Rochette, Hills 20; Francoeur, Hills 26: Children and Family Law)

**HB 106**, relative to leave of absences to serve as a legislator. (Cali-Pitts, Rock 16; Serlin, Rock 16; Powers, Rock 16; Splaine, Rock 16; Fuller Clark, Dist 24: Labor, Industrial and Rehabilitative Services)

**HB 107-L**, authorizing towns to charge property owners for solid waste removal. (Rodeschin, Sull 2; Jillette, Sull 2; Odell, Dist 8: Municipal and County Government)

**HB 108-FN-A**, making a capital appropriation for Merrimack district court facility improvements. (C. Christensen, Hills 19; Mooney, Hills 19; N. Elliott, Hills 19; O'Neil, Hills 19; Batula, Hills 19; Roberge, Dist 9: Public Works and Highways)

**CACR 4**, Relating to funding for public transportation. Providing that revenues from the operation of motor vehicles or the sale or consumption of motor vehicle fuel may be used for public transportation. (S. Merrick, Coos 2; Phinizy, Sull 5; Edwards, Hills 26; Fontas, Hills 24; E. Merrick, Coos 2: Public Works and Highways)

## RECESS

(Rep. Foster in the Chair)

## RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 109 through 124, 126 through 149 and 151 through 168 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.  
Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 109**, eliminating straight ticket voting. (Vaillancourt, Hills 15; M. Smith, Straf 7; Messier, Hills 17; C. Chase, Hills 2; Wells, Rock 8; Hassan, Dist 23; Barnes, Dist 17; Cilley, Dist 6; Fuller Clark, Dist 24: Election Law)

**HB 110**, relative to commercial driver licenses when the license holder fails a drug or alcohol test. (Villeneuve, Hills 18; O'Connell, Hills 6; Roberge, Dist 9: Transportation)

**HB 111**, relative to county employment for Sullivan county. (Converse, Sull 4: Municipal and County Government)

**HB 112**, relative to the method of depositing a ballot. (Bucu, Carr 1; C. Chase, Hills 2: Election Law)

**HB 113-FN**, relative to interference with constitutional and lawful rights. (L. Christiansen, Hills 27: Judiciary)

**HB 114**, relative to the statement of purpose in the statewide education improvement and assessment program. (L. Christiansen, Hills 27: Education)

**HB 115**, relative to the procedure for counties to apply for, accept, and expend federal, state, or other grants. (Patten, Carr 4; Knox, Carr 4; Kenney, Dist 3; Gallus, Dist 1: Municipal and County Government)

**HB 116**, limiting access to certain business records. (Stepanek, Hills 6; Merrow, Carr 3; Carolyn Brown, Carr 1; Charles Clark, Belk 5; Gallus, Dist 1; Kenney, Dist 3: Commerce)

**HB 117**, creating an exception for the storage of black gunpowder by historical reenactors and certain nonprofit entities. (L. Hammond, Graf 11; Welch, Rock 8; Ferland, Sull 5: Criminal Justice and Public Safety)

**HB 118**, extending the commission to determine the appropriate use of real property destroyed in the October 2005 floods, established in 2006, 256. (D. Eaton, Ches 2; Phinizy, Sull 5; Weber, Ches 2; Sad, Ches 2; Odell, Dist 8: Finance)

**HB 119**, relative to the sunset provision of the system benefits charge. (Foster, Hills 4; Kaen, Straf 7; Burling, Dist 5: Science, Technology and Energy)

**HB 120**, relative to extending polling hours. (M. Smith, Straf 7; Wall, Straf 7; Clemons, Hills 24; Theberge, Coos 4; Kaen, Straf 7: Election Law)

**HB 121-FN**, expanding eligibility for special number plates for veterans to family members of soldiers killed in action. (D. Russell, Belk 6; J. Allen, Belk 5; J. Thomas, Belk 5; C. Christensen, Hills 19; Merrow, Carr 3; Gallus, Dist 1; Sgambati, Dist 4: Transportation)

**HB 122**, naming a bridge in the town of Henniker after Russell M. Durgin. (French, Merr 5; Kjellman, Merr 5; Shattuck, Hills 1; Kurk, Hills 7; Essex, Hills 1; Janeway, Dist 7: Public Works and Highways)

**HB 123**, relative to the time required between mandatory shifts or other work periods. (Renzullo, Hills 27: Labor, Industrial and Rehabilitative Services)

**HB 124**, establishing a committee to study enhancing electricity infrastructure. (Berube, Straf 2; Hofemann, Straf 6: Science, Technology and Energy)

**HB 126**, relative to the definition of "school." (Dunn, Ches 3: Education)

**HB 127**, relative to voter registration forms. (Weed, Ches 3: Election Law)

**HB 128**, establishing a committee to study ballot reform. (Weed, Ches 3: Election Law)

**HB 129**, relative to outsourcing of jobs. (Weed, Ches 3; Kenney, Dist 3: Labor, Industrial and Rehabilitative Services)

**HB 130**, requiring bottled water labels to indicate the source of the water. (Weed, Ches 3: Commerce)

**HB 131**, revising the role of the commissioner of the department of education in the approval of home education programs. (Casey, Rock 11: Education)

**HB 132**, relative to domicile for voting purposes. (Pierce, Graf 9; C. Chase, Hills 2: Election Law)

**HB 133**, relative to voter registration forms. (Pierce, Graf 9: Election Law)

**HB 134**, relative to electronic prescribing for prescription drugs. (Rosenwald, Hills 22; MacKay, Merr 11; Miller, Straf 7; Case, Rock 1; Kenney, Dist 3; Estabrook, Dist 21; Fuller Clark, Dist 24: Health, Human Services and Elderly Affairs)

**HB 135**, establishing the second Sunday in October as Firefighters Memorial Day. (Weare, Rock 14; DeJoie, Merr 11; DeVries, Dist 18: Executive Departments and Administration)

**HB 136**, relative to approval of voting machines. (Pierce, Graf 9; C. Chase, Hills 2: Election Law)

**HB 137**, relative to food safety in restaurants. (Pilliod, Belk 5; Butynski, Ches 4; J. Tilton, Merr 6; Guthrie, Rock 8: Health, Human Services and Elderly Affairs)



- HB 138**, relative to disclosure of voting machine information. (Pierce, Graf 9; C. Chase, Hills 2: Election Law)
- HB 139**, requiring the reporting of burn injuries. (DeJoie, Merr 11; D. Sullivan, Hills 8; Goley, Hills 8; Loll, Ches 6; Weare, Rock 14; Burling, Dist 5: Health, Human Services and Elderly Affairs)
- HB 140**, reestablishing the New Hampshire task force on deafness and hearing loss. (Pilliod, Belk 5; Emerson, Ches 7: Health, Human Services and Elderly Affairs)
- HB 141**, giving voters the option of bypassing voting machines. (Hall, Hills 5; Harvey, Hills 21: Election Law)
- HB 142**, relative to the sale of out-of-state animals. (O'Connell, Hills 6; Beaulieu, Hills 17: Environment and Agriculture)
- HB 143**, relative to the apportionment of damages in civil actions. (Lasky, Hills 26; Mooney, Hills 19; Powers, Rock 16; Gottesman, Dist 12; Clegg, Dist 14: Judiciary)
- HB 144**, relative to operation of boats on Spectacle Pond. (Welch, Rock 8; Cooney, Graf 7; Tholl, Coos 2; Reynolds, Dist 2: Resources, Recreation and Development)
- HB 145**, establishing an education funding study committee. (Almy, Graf 11; Osborne, Merr 12: Ways and Means)
- HB 146**, relative to nicknames on ballots. (Vaillancourt, Hills 15; D. Eaton, Ches 2: Election Law)
- HB 147**, relative to counting kindergarten pupils in charter school attendance. (Casey, Rock 11: Education)
- HB 148**, establishing a commission to study pharmaceutical costs and the 340B Drug Pricing Program. (Rosenwald, Hills 22; MacKay, Merr 11; McLeod, Graf 2; Wendelboe, Belk 1; Nordgren, Graf 9; Estabrook, Dist 21; Fuller Clark, Dist 24; Hassan, Dist 23; Kenney, Dist 3: Health, Human Services and Elderly Affairs)
- HB 149**, allowing a purchaser at a mortgage foreclosure sale to terminate a tenancy of the property by a notice to quit. (Dokmo, Hills 6; Bergin, Hills 6; Leishman, Hills 6: Judiciary)
- HB 151**, relative to provider contracts under the managed care law. (Headd, Rock 3: Commerce)
- HB 152**, relative to public access to meeting minutes. (Julie Brown, Straf 1: Judiciary)
- HB 153**, relative to standards for bridge and highway construction. (Waterhouse, Rock 4: Public Works and Highways)
- HB 154**, relative to the inclusion of certain tax information in state tourism publications. (Camm, Rock 8: Resources, Recreation and Development)
- HB 155**, relative to membership of the state building code review board. (Harding, Graf 11; L. Hammond, Graf 11; Bergin, Hills 6; DeJoie, Merr 11; Burling, Dist 5: Executive Departments and Administration)
- HB 156**, relative to the membership of the ballot law commission. (Vaillancourt, Hills 15: Election Law)
- HB 157**, establishing a committee to determine a permanent location for the old state house. (Cali-Pitts, Rock 16; Splaine, Rock 16: Public Works and Highways)
- HB 158**, requiring insurance companies to allow covered persons to purchase an up-to-90 day supply of life-sustaining drugs. (Cali-Pitts, Rock 16; Serlin, Rock 16; Powers, Rock 16; McEachern, Rock 16; Pantelakos, Rock 16: Commerce)
- HB 159**, establishing a committee to study the need for a classification system for criminal offenders. (Franklin, Sull 2: Criminal Justice and Public Safety)
- HB 160**, relative to the appointment of the executive director of the public employee labor relations board. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13: Executive Departments and Administration)
- HB 161**, renaming the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital. (Weyler, Rock 8; Bettencourt, Rock 4; Kenney, Dist 3: State-Federal Relations and Veterans Affairs)
- HB 162**, relative to liability for costs, fees, and certain expenses incurred by a defendant where the court finds the defendant's conduct is justifiable. (Tobin, Belk 2: Judiciary)
- HB 163**, relative to the definition of "slaughterer." (Patten, Carr 4; L'Heureux, Hills 19; O'Connell, Hills 6: Environment and Agriculture)
- HB 164**, relative to medicating pupils to enhance learning abilities. (Hutchinson, Rock 3; G. Katsakiores, Rock 5; P. Katsakiores, Rock 5: Education)
- HB 165**, establishing a committee to study the feasibility of carbon reduction incentives. (Borden, Rock 18; Powers, Rock 16: Science, Technology and Energy)

**HB 166**, relative to the definition of a bridge. (Buco, Carr 1; Cloutier, Sull 4: Public Works and Highways)

**HB 167**, relative to areas of assessment required under the statewide improvement and assessment program. (Dunn, Ches 3: Education)

**HB 168**, expanding the purposes of the wildflower establishment program. (Graham, Hills 18; Spaulding, Hills 18; Chandler, Carr 1; Ferland, Sull 5; Lerandeau, Ches 6; Gallus, Dist 1: Public Works and Highways)

## RECESS

(Rep. Patricia McMahon in the Chair)

## RESOLUTION

Rep. Tupper offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 169 through 174, 176 through 199, 201 through 224, 226 through 243 and House Concurrent Resolution number 3 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees. Adopted.

## INTRODUCTION OF HOUSE BILLS AND HCR

### First, second reading and referral

**HB 169**, relative to penalties for insurance adjusters, appraisers, or companies purposefully underestimating the value of an insurance claim. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Weyler, Rock 8: Commerce)

**HB 170**, relative to professional membership on certain occupational regulatory boards. (T. Robertson, Ches 3: Executive Departments and Administration)

**HB 171**, clarifying the wiretapping and eavesdropping statute. (Ulery, Hills 27; Itse, Rock 9; Renzullo, Hills 27: Criminal Justice and Public Safety)

**HB 172-FN**, establishing the position of state meat inspector. (Owen, Merr 4: Environment and Agriculture)

**HB 173-FN-A**, relative to the promotion, acquisition, and retention of a large animal veterinarian in the north country, and making an appropriation therefor. (Owen, Merr 4: Environment and Agriculture)

**HB 174-FN**, relative to regulating residential building and remodeling contractors. (Hawkins, Hills 18: Executive Departments and Administration)

**HB 176**, relative to the return of replaced parts by a motor vehicle repair facility. (Villeneuve, Hills 18; Roberge, Dist 9: Transportation)

**HB 177-FN**, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. (Dumaine, Rock 3; Itse, Rock 9; J. Garrity, Rock 6; Boyce, Belk 5; N. Elliott, Hills 19; Francoeur, Hills 28: Criminal Justice and Public Safety)

**HB 178-FN**, relative to the procedure for withdrawing from a cooperative school district. (McRae, Hills 7: Education)

**HB 179**, prohibiting surrender penalties on life insurance policies. (Martin, Carr 5; Headd, Rock 3; Pelkey, Ches 7; Kopka, Hills 26: Commerce)

**HB 180-FN**, relative to pay and allowances for officers and enlisted members of the national guard. (B. Shaw, Hills 16; Bishop, Rock 2; Coughlin, Hills 4; Kjellman, Merr 5; Burling, Dist 5; Barnes, Dist 17; Letourneau, Dist 19; Kenney, Dist 3; Gatsas, Dist 16: State-Federal Relations and Veterans Affairs)

**HB 181-FN-A**, establishing a tuition voucher program for New Hampshire national guard members and making an appropriation therefor. (Bishop, Rock 2; B. Shaw, Hills 16; Coughlin, Hills 4; Kjellman, Merr 5; Burling, Dist 5; Barnes, Dist 17; Letourneau, Dist 19; Kenney, Dist 3; Gatsas, Dist 16: State-Federal Relations and Veterans Affairs)

**HB 182-FN**, relative to indicating the branch of service on special number plates for veterans. (J. Garrity, Rock 6: Transportation)

**HB 183-FN-A-L**, relative to the acquisition of a certain tract of land in the towns of Peterborough, Sharon, and Temple as a state reservation, and making an appropriation therefor. (Irwin, Hills 3; Foster, Hills 4; Bergin, Hills 6; Mitchell, Ches 7; Peterson, Hills 3; Bragdon, Dist 11; D'Allesandro, Dist 20; Odell, Dist 8; Gottesman, Dist 12; Kelly, Dist 10: Resources, Recreation and Development)

**HB 184**, repealing the parental notification law. (Hager, Merr 12; P. Preston, Graf 8; Mitchell, Ches 7; Rosenwald, Hills 22; Lockwood, Merr 6; Fuller Clark, Dist 24; Burling, Dist 5; Janeway, Dist 7; Kelly, Dist 10: Judiciary)

**HB 185-FN**, extending the duration of the CROP zone tax credits program and expanding the state jobs grant fund. (Ryan, Merr 2; Webb, Merr 2; Reed, Merr 2; Arsenaault, Belk 4; Reeve, Belk 4; Burling, Dist 5; Sgambati, Dist 4: Ways and Means)

**HB 186-FN**, relative to random recounts. (C. Chase, Hills 2; Clemons, Hills 24; Ryan, Merr 2; Morrison, Belk 2; B. Richardson, Ches 5; Pierce, Graf 9; Burling, Dist 5; Cilley, Dist 6: Election Law)

**HB 187**, establishing a study committee to determine which law enforcement agencies are responsible for enforcing civil judgments. (Nowe, Rock 9; Buxton, Rock 10; Nedeau, Belk 3; Velez, Hills 12; Berube, Straf 2; Letourneau, Dist 19: Criminal Justice and Public Safety)

**HB 188**, excluding certain watercraft from the definition of ski craft. (Ahlgren, Carr 4: Transportation)

**HB 189**, relative to swim lines in public waters. (Pilliod, Belk 5: Resources, Recreation and Development)

**HB 190**, relative to the definition of "resident" for motor vehicle purposes. (Bishop, Rock 2: Transportation)

**HB 191**, relative to the authority of the secretary of state concerning sealed ballots in a state election. (Manney, Hills 7: Election Law)

**HB 192-FN**, requiring vote counting by election officials at polling places using vote counting machines. (C. Chase, Hills 2; B. Richardson, Ches 5; Hall, Hills 5; Clemons, Hills 24; Burling, Dist 5: Election Law)

**HB 193**, relative to liquor and wine representative licenses. (C. Chase, Hills 2; Kaelin, Hills 4; D. Eaton, Ches 2; Pelkey, Ches 7; Essex, Hills 1: Executive Departments and Administration)

**HB 194**, relative to laboratories conducting alcohol concentration tests. (Tholl, Coos 2; Welch, Rock 8; W. Knowles, Straf 6: Criminal Justice and Public Safety)

**HB 195**, relative to the calculation of child support on a per child basis. (McRae, Hills 7: Children and Family Law)

**HB 196**, relative to changes of party registration on primary day. (Manney, Hills 7: Election Law)

**HB 197**, relative to a tax credit for service-connected disability. (Peterson, Hills 3: Municipal and County Government)

**HB 198-FN**, relative to collection of taxes on land with a discretionary easement and relative to the calculation of penalties applied to tax-deeded properties. (Walz, Merr 13: Municipal and County Government)

**HB 199-FN-A**, making an appropriation for the restoration of the Sawyer House at the Daniel Webster birthplace. (Webb, Merr 2; Reed, Merr 2; Ryan, Merr 2: Public Works and Highways)

**HB 201-FN-A**, relative to recycling and reconstituting the recycling market development steering committee. (Hall, Hills 5; B. Williams, Graf 8; Rous, Straf 7: Environment and Agriculture)

**HB 202**, relative to a point system for automobile dealer and inspection station violations. (Packard, Rock 3; Letourneau, Dist 19: Transportation)

**HB 203**, relative to protections for temporary workers. (Pilliod, Belk 5; Butynski, Ches 4: Labor, Industrial and Rehabilitative Services)

**HB 204**, relative to the sale of unpasteurized milk. (Pilliod, Belk 5; Butynski, Ches 4: Environment and Agriculture)

**HB 205**, relative to procedures for certain court ordered out-of-district placements. (Grassie, Straf 1; Hilliard, Straf 2: Education)

**HB 206**, relative to the disclosure of certain livestock health information. (O'Connell, Hills 6; Phinzy, Sull 5: Environment and Agriculture)

**HB 207**, establishing a commission to study and make recommendations on the expansion of the New Hampshire Agricultural Innovation Program. (O'Connell, Hills 6; Jasper, Hills 27; B. Williams, Graf 8; Tobin, Belk 2; Gallus, Dist 1: Environment and Agriculture)

**HB 208**, relative to the definition of swine as a nuisance. (O'Connell, Hills 6; B. Williams, Graf 8; Tobin, Belk 2: Environment and Agriculture)

**HB 209**, relative to eligibility for farm plates. (O'Connell, Hills 6: Transportation)

**HB 210**, establishing a committee to study the effects of rescinding the charter of the New Hampshire Bar Association, and relative to the regulation of attorneys by the supreme court. (Sorg, Graf 3: Judiciary)

- HB 211-FN**, requiring that first-time driver's license applicants be informed of and examined on laws relating to blind pedestrians. (Shurtleff, Merr 10; R. Williams, Merr 11; Bouchard, Merr 11; MacKay, Merr 11; P. Katsakiores, Rock 5: Transportation)
- HB 212**, relative to possessory actions against tenants. (Sorg, Graf 3: Judiciary)
- HB 213**, relative to the availability of school nutrition program funds for charter school and nonpublic schools. (Stiles, Rock 15; Weyler, Rock 8; Claire Clarke, Merr 6; Hunt, Ches 7; French, Merr 5: Education)
- HB 214**, relative to discovery in criminal matters. (Shurtleff, Merr 10: Criminal Justice and Public Safety)
- HB 215**, relative to fees for hearing care providers. (D. Eaton, Ches 2: Commerce)
- HB 216**, establishing a commission to study the causes, effects, and remediation of siltation in the Great Bay Estuary. (Spang, Straf 7; Abbott, Rock 12; Rous, Straf 7; Wall, Straf 7; Kaen, Straf 7; Hassan, Dist 23: Resources, Recreation and Development)
- HB 217**, establishing a committee to study the New Hampshire park and ride program. (Rausch, Rock 5: Transportation)
- HB 218**, relative to chief firewards, engineers, or fire chiefs. (L. Ober, Hills 27; Clegg, Dist 14: Municipal and County Government)
- HB 219**, relative to the membership of the wetlands council. (O'Connell, Hills 6; Essex, Hills 1; Sanders, Rock 7: Resources, Recreation and Development)
- HB 220**, removing the requirement that the department of transportation file a report with the state treasurer regarding special accounts within the highway fund. (Waterhouse, Rock 4: Finance)
- HB 221**, removing the requirement that the department of transportation report certain information relative to highway activity to the department of administrative services. (Waterhouse, Rock 4: Transportation)
- HB 222**, relative to residency requirements for members appointed to historic district or heritage commissions. (Webb, Merr 2: Municipal and County Government)
- HB 223-FN**, requiring the general court to hold sessions in the evening or on Saturday. (Hilliard, Straf 2; Splaine, Rock 16: Legislative Administration)
- HB 224**, expanding the restriction on advertising devices to include all state highways. (C. Christensen, Hills 19; Camm, Rock 8: Public Works and Highways)
- HB 226**, relative to the investment of trust funds. (Shattuck, Hills 1: Municipal and County Government)
- HB 227**, relative to identity theft. (Movsesian, Hills 22; Rosenwald, Hills 22; Kurk, Hills 7: Criminal Justice and Public Safety)
- HB 228**, relative to the definition of "medical necessity" under the managed care law. (McLeod, Graf 2; Nordgren, Graf 9; DeStefano, Merr 13; Odell, Dist 8; Hassan, Dist 23: Commerce)
- HB 229**, relative to licensing requirements for operators of games of chance. (Jasper, Hills 27: Executive Departments and Administration)
- HB 230**, relative to the use or occupation of public ways. (Jasper, Hills 27: Municipal and County Government)
- HB 231**, establishing a commission to study the municipal assessment of market value for property tax purposes and the regulation of municipal assessors. (S. Merrick, Coos 2: Municipal and County Government)
- HB 232**, prohibiting retaliatory rent increases in manufactured housing parks. (Pilliod, Belk 5; D. Russell, Belk 6; Millham, Belk 5; D. Flanders, Belk 4: Commerce)
- HB 233-FN-A**, specifying compensation for ballot law commissioners. (D. Eaton, Ches 2: Election Law)
- HB 234**, establishing a committee to study state environmental laboratory fees and services. (Owen, Merr 4: Environment and Agriculture)
- HB 235**, relative to the recognition of out-of-state marriages. (DeChane, Straf 3; Theberge, Coos 4: Judiciary)
- HB 236**, relative to the use of "farmers' market" in trade names. (O'Connell, Hills 6; Beaulieu, Hills 17: Environment and Agriculture)
- HB 237**, establishing a committee to study the relationship between land use regulation and the cost of housing. (Sorg, Graf 3: Municipal and County Government)
- HB 238**, establishing a committee to study limited liability for school teachers. (Sorg, Graf 3: Education)

**HB 239-FN-A**, appropriating funds to the barn preservation fund matching grants program. (Shurtleff, Merr 10: Environment and Agriculture)

**HB 240**, relative to the amount of child support arrearage triggering the denial of a passport. (Wallner, Merr 12: Children and Family Law)

**HB 241**, relative to permissible campaign contributions by business organizations and labor unions. (Splaine, Rock 16; Almy, Graf 11: Election Law)

**HB 242**, relative to the declaration of candidacy form. (Harvey, Hills 21: Election Law)

**HB 243**, relative to a rabies immunization exemption. (S. Merrick, Coos 2: Environment and Agriculture)

**HCR 3**, urging that New Hampshire members and veterans of the armed forces and national guard and their dependents receive health screening for depleted uranium exposure. (French, Merr 5; D. Smith, Hills 22; Gould, Rock 5; B. Richardson, Ches 5; Kenney, Dist 3: State-Federal Relations and Veterans Affairs)

## RECESS

(Rep. Hess in the Chair)

## RESOLUTION

Rep. Ryan offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 244 through 249, 251 through 274, 276 through 298 and Constitutional Amendment Concurrent Resolution number 6 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS AND CACR

### First, second reading and referral

**HB 244**, relative to withholding or withdrawing of medically administered nutrition and hydration and developmentally disabled persons. (N. Elliott, Hills 19; Itse, Rock 9; Rowe, Hills 6; Garcia, Rock 4: Judiciary)

**HB 245-FN**, establishing a common law court. (L. Christiansen, Hills 27; Itse, Rock 9: Judiciary)

**HB 246**, relative to identifying legislative enactments as public policy. (L. Christiansen, Hills 27; Itse, Rock 9: Judiciary)

**HB 247**, allowing surviving spouses to retain special number plates for veterans for one year. (Gile, Merr 10; Shurtleff, Merr 10; E. Anderson, Merr 13: Transportation)

**HB 248**, eliminating a separate dedicated account for the fish and game department trapping education program and transferring the sum into the fish and game fund. (L'Heureux, Hills 19; King, Coos 1; Reed, Merr 2; D. Smith, Hills 22; Gallus, Dist 1; D'Allesandro, Dist 20; Roberge, Dist 9: Fish and Game)

**HB 249**, extending the study committee on the rules process. (Patten, Carr 4; Pilotte, Hills 16; Fuller Clark, Dist 24; Letourneau, Dist 19: Executive Departments and Administration)

**HB 251**, relative to the authority of the agricultural advisory board. (O'Connell, Hills 6; B. Williams, Graf 8; Tobin, Belk 2: Environment and Agriculture)

**HB 252-FN**, relative to exemptions from the permitting process for excavating and dredging. (Spang, Straf 7; Beaulieu, Hills 17; Powers, Rock 16; Borden, Rock 18; Hassan, Dist 23: Resources, Recreation and Development)

**HB 253**, relative to the use of credit rating for automobile or homeowner insurance. (Hatch, Coos 3; Theberge, Coos 4: Commerce)

**HB 254**, relative to mandatory employer meetings about political and religious beliefs, including beliefs about joining a union. (Jane Kelley, Rock 15; Baxley, Merr 6: Labor, Industrial and Rehabilitative Services)

**HB 255**, establishing a committee to study the implementation and use of growth management ordinances. (Patten, Carr 4: Municipal and County Government)

**HB 256**, relative to the duties and powers of town treasurers. (Bennett Moore, Rock 15; E. Anderson, Merr 13: Municipal and County Government)

**HB 257**, allowing towns to appoint or elect a town treasurer. (Bennett Moore, Rock 15; E. Anderson, Merr 13: Municipal and County Government)

**HB 258-FN**, making an appropriation to the department of safety, bureau of emergency management, to fund a grant to the town of Goffstown for installation of sewer and water systems in areas damaged by flooding in May 2006. (Hunter, Hills 7; R. Day, Hills 7; Emerton, Hills 7; Fletcher, Hills 7; Kurk, Hills 7; D'Allesandro, Dist 20: Finance)

**HB 259-FN-A**, making an appropriation to the department of safety, bureau of emergency management, to fund a grant to the town of Goffstown for drainage installation in areas damaged by flooding in May 2006. (Hunter, Hills 7; R. Day, Hills 7; Emerton, Hills 7; Fletcher, Hills 7; Kurk, Hills 7; D'Allesandro, Dist 20: Finance)

**HB 260-FN**, relative to bail agents and recovery agents. (Ulery, Hills 27; Dumaine, Rock 3: Criminal Justice and Public Safety)

**HB 261**, prohibiting the Carroll county attorney from engaging in the private practice of law. (Buco, Carr 1; Merrow, Carr 3; Martin, Carr 5; Cunningham, Carr 3; Knox, Carr 4; Kenney, Dist 3: Municipal and County Government)

**HB 262**, allowing municipalities to exclude certain retirement assets from consideration in qualifying for the elderly property tax exemption. (Martin, Carr 5; Pelkey, Ches 7; Kidder, Merr 1; Kenney, Dist 3: Municipal and County Government)

**HB 263-FN**, relative to health insurance riders. (Hunt, Ches 7: Commerce)

**HB 264**, relative to a time period for declaring a person to be cancer free. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Weyler, Rock 8: Commerce)

**HB 265-FN-A**, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making an appropriation therefor. (Batula, Hills 19; C. McMahon, Rock 4; Whalley, Belk 5; Stepanek, Hills 6; MacKay, Merr 11; Clegg, Dist 14; Letourneau, Dist 19; Bragdon, Dist 11: Health, Human Services and Elderly Affairs)

**HB 266**, establishing a commission to study affordable and accessible health care for New Hampshire citizens. (Wall, Straf 7; Bergin, Hills 6; Tupper, Merr 6; Wheeler, Merr 6; Peterson, Hills 3; Mulholland, Graf 10; Cilley, Dist 6; Kenney, Dist 3; Downing, Dist 22: Commerce)

**HB 267**, relative to certain small loans. (D. Smith, Hills 22; McLeod, Graf 2; Schulze, Hills 26; Kidder, Merr 1; Velez, Hills 12; Gottesman, Dist 12; Letourneau, Dist 19; DeVries, Dist 18: Commerce)

**HB 268**, relative to cellular telephone number directories. (Kurk, Hills 7; Phinizy, Sull 5: Judiciary)

**HB 269**, prohibiting "pretexting" as a means of obtaining personally identifiable information. (Kurk, Hills 7: Judiciary)

**HB 270**, allowing municipalities to adopt a homestead exemption for property tax assessments on a person's principal place of residence. (Renzullo, Hills 27: Municipal and County Government)

**HB 271**, making political and commercial advertising placed illegally on public property subject to state litter laws. (Splaine, Rock 16; Serlin, Rock 16; Pantelakos, Rock 16; Borden, Rock 18: Election Law)

**HB 272**, relative to scheduling the presidential primary election. (Splaine, Rock 16: Election Law)

**HB 273-FN**, relative to special needs trusts. (Bleyler, Graf 9; Carson, Rock 3; Butcher, Ches 3; McLeod, Graf 2; Odell, Dist 8; Estabrook, Dist 21; Hassan, Dist 23; Burling, Dist 5; Sgambati, Dist 4: Judiciary)

**HB 274**, relative to income and asset limits and amount of the elderly property tax exemption. (Hunter, Hills 7; Fletcher, Hills 7; R. Day, Hills 7; Emerton, Hills 7; Kurk, Hills 7; D'Allesandro, Dist 20: Municipal and County Government)

**HB 276**, relative to political advertising placed on state-owned rights-of-way. (Bouchard, Merr 11; R. Williams, Merr 11; DeJoie, Merr 11; Reardon, Merr 11; MacKay, Merr 11: Election Law)

**HB 277-FN**, relative to obstructing or preventing a probation-parole officer in the course of his or her official duties. (Burrige, Ches 3: Criminal Justice and Public Safety)

**HB 278**, relative to notification of a parent or guardian by the medical facility treating a minor injured in an accident. (Parkhurst, Ches 4: Children and Family Law)

**HB 279**, establishing the alternative motto "scenic" for motor vehicle number plates. (Parkhurst, Ches 4: Transportation)

**HB 280**, relative to the identification of persons and organizations petitioning for a citizen initiative or referendum. (Parkhurst, Ches 4: Election Law)

**HB 281**, relative to the cancellation of buying club memberships. (Bergin, Hills 6; Leishman, Hills 6; Dokmo, Hills 6; Bragdon, Dist 11: Commerce)

**HB 282**, relative to administration of road tolls. (J. Flanders, Rock 8: Public Works and Highways)

**HB 283**, allocating a portion of unrefunded road tolls to the dam maintenance fund. (D. Russell, Belk 6: Public Works and Highways)

**HB 284**, relative to the repair of septic systems prior to the sale of waterfront property. (Webb, Merr 2: Resources, Recreation and Development)

**HB 285**, prohibiting municipalities and state and local officials from entering into nondisclosure agreements with vendors of voting machines with respect to the purchase or lease of voting machines. (Pierce, Graf 9: Election Law)

**HB 286-FN**, relative to a Medicaid waiver for family planning services. (McLeod, Graf 2; Rosenwald, Hills 22; Nordgren, Graf 9; Odell, Dist 8; Sgambati, Dist 4; Reynolds, Dist 2: Health, Human Services and Elderly Affairs)

**HB 287**, requiring the seller to provide notice to the buyer of privately owned land or property known, or in an area historically known, to have been inhabited by Native Americans. (J. Tilton, Merr 6; Wall, Straf 7; Crane, Hills 21; Fuller Clark, Dist 24: State-Federal Relations and Veterans Affairs)

**HB 288**, requiring the commissioner of the department of health and human services to apply for public and private grant funding for drug and alcohol rehabilitation programs. (J. Tilton, Merr 6; Butynski, Ches 4; Essex, Hills 1; Wall, Straf 7; Fuller Clark, Dist 24: Health, Human Services and Elderly Affairs)

**HB 289**, relative to joint agreements for the payment of postsecondary education expenses. (Gargasz, Hills 5; Emerson, Ches 7; Ginsburg, Hills 20; Hassan, Dist 23: Children and Family Law)

**HB 290**, relative to safe operation of vessels on New Hampshire waters. (Ahlgren, Carr 4: Transportation)

**HB 291**, relative to licensure of fireworks sellers. (Welch, Rock 8: Criminal Justice and Public Safety)

**HB 292**, relative to consideration of the preference of a mature minor in the determination of parental rights and responsibilities. (Gargasz, Hills 5; Franklin, Sull 2; Roberge, Dist 9: Children and Family Law)

**HB 293**, allowing municipalities to establish agricultural commissions. (O'Connell, Hills 6; Spang, Straf 7; Snow, Rock 1; Kaen, Straf 7; Wall, Straf 7; Cilley, Dist 6: Municipal and County Government)

**HB 294-FN**, relative to current use taxation of certain farm buildings. (Stohl, Coos 1; Patten, Carr 4; E. Anderson, Merr 13; O'Connell, Hills 6; Introne, Rock 3; Peterson, Hills 3; Gallus, Dist 1: Municipal and County Government)

**HB 295**, relative to the definition of biomass and biomass fuel. (Phinizy, Sull 5; L. Ober, Hills 27; Ryan, Merr 2; Powers, Rock 16: Science, Technology and Energy)

**HB 296**, prohibiting the use of flatbed trailers with outrigger wheels in parades. (McEachern, Rock 16; Splaine, Rock 16: Transportation)

**HB 297**, relative to signs for the Souhegan Valley. (Daniels, Hills 6; Bragdon, Dist 11: Public Works and Highways)

**HB 298**, relative to the healthy kids corporation. (Hunt, Ches 7; Wallner, Merr 12: Commerce)

**CACR 6**, Relating to education funding. Providing that the state may meet its funding obligations under Article 83 by providing aid only to those communities that, in the reasonable judgment of the general court, are in need of such aid. (Kurk, Hills 7: Finance)

## RECESS

(Speaker Norelli in the Chair)

## RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 299, 301 through 324, 326 through 349, 351 through 374, 376 through 399, 401 through 424, 426 through 449, 451 through 464, House Concurrent Resolution number 4, House Resolutions numbered 7 and 8 and Constitutional Amendment Concurrent Resolutions numbered 7 through 12 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.



**INTRODUCTION OF HOUSE BILLS, HCR, HRS AND CACRS****First, second reading and referral**

**HB 299**, relative to the sale of hypodermic syringes. (Parkhurst, Ches 4: Health, Human Services and Elderly Affairs)

**HB 301**, relative to nonresident registration of motor vehicles. (Cooney, Graf 7; B. Williams, Graf 8; Aguiar, Graf 6: Transportation)

**HB 302**, requiring notice of construction or expansion of a public school. (Graham, Hills 18; L. Ober, Hills 27; Ferland, Sull 5: Education)

**HB 303**, repealing the restrictions on Sunday dancing and repealing the prohibition on transporting moving picture films aboard passenger train cars. (Hamm, Merr 4: Judiciary)

**HB 304**, relative to the criteria under which guardianship over a minor is granted. (E. Anderson, Merr 13; DeStefano, Merr 13; Davis, Merr 7: Children and Family Law)

**HB 305**, establishing a task force to develop legislation for expanding access to affordable health insurance for the 2008 legislative session. (McLeod, Graf 2; Wall, Straf 7; DeStefano, Merr 13; Rosenwald, Hills 22; Kidder, Merr 1; Tupper, Merr 6; Bergin, Hills 6; Peterson, Hills 3; Wheeler, Merr 6; Sgambati, Dist 4; Hassan, Dist 23; DeVries, Dist 18; Reynolds, Dist 2; Cilley, Dist 6; Kenney, Dist 3; Downing, Dist 22: Commerce)

**HB 306**, establishing a task force on work and family. (Gile, Merr 10; Fuller Clark, Dist 24: Labor, Industrial and Rehabilitative Services)

**HB 307**, relative to examinations of electricians by the electricians' board. (Infantine, Hills 13: Executive Departments and Administration)

**HB 308**, relative to continuing education for licensed electricians. (Infantine, Hills 13: Executive Departments and Administration)

**HB 309**, relative to the uniform fine schedule for the fish and game department. (Tholl, Coos 2: Criminal Justice and Public Safety)

**HB 310**, allowing municipalities to regulate wind turbines used for home energy production. (W. Chase, Ches 1; Knox, Carr 4: Science, Technology and Energy)

**HB 311**, establishing a committee to study the feasibility of setting liability limits for commuter rail operations. (Lasky, Hills 26; Ryan, Merr 2; Leishman, Hills 6: Transportation)

**HB 312-FN**, relative to alternative providers for certain health services. (Rosenwald, Hills 22; MacKay, Merr 11; B. Richardson, Ches 5; Donovan, Sull 4; Hassan, Dist 23; Kenney, Dist 3; Foster, Dist 13; Fuller Clark, Dist 24: Executive Departments and Administration)

**HB 313**, establishing a committee to study reimbursing towns for emergency services on interstate highways. (P. McMahon, Merr 3; Morrison, Belk 2; Kelly, Dist 10: Public Works and Highways)

**HB 314**, authorizing the Pelham school board to transfer funds for the purpose of renting portable classrooms. (Renzullo, Hills 27; Bergeron, Hills 27; L. Ober, Hills 27; R. Ober, Hills 27: Education)

**HB 315**, relative to criminal background checks of municipal employees through the New Hampshire state police. (Daniels, Hills 6; O'Connell, Hills 6; Leishman, Hills 6; Bragdon, Dist 11; Roberge, Dist 9: Municipal and County Government)

**HB 316**, relative to the 5-year assessment review by the department of revenue administration. (Stohl, Coos 1; Patten, Carr 4; E. Anderson, Merr 13; Schmidt, Straf 4; Barnes, Dist 17; Gallus, Dist 1: Municipal and County Government)

**HB 317**, requiring improvements to state highways by developers to meet the same standards as federally or state funded improvements. (Shattuck, Hills 1: Public Works and Highways)

**HB 318**, relative to large groundwater withdrawals. (Camm, Rock 8: Resources, Recreation and Development)

**HB 319**, relative to wetlands mitigation. (Camm, Rock 8; Weyler, Rock 8: Resources, Recreation and Development)

**HB 320**, relative to the tax exemption for solar energy systems. (Hunt, Ches 7: Municipal and County Government)

**HB 321**, relative to river protection and restoration. (Hinkle, Hills 19; Manney, Hills 7; Mack, Hills 1; Carson, Rock 3: Resources, Recreation and Development)

**HB 322**, establishing a committee to study enhancing training for retail liquor licensees. (Butynski, Ches 4; Millham, Belk 5: Commerce)

**HB 323**, establishing a committee to study the liquor commission and liquor revenues. (Kidder, Merr 1; Holden, Hills 7; Pelkey, Ches 7: Commerce)

- HB 324**, prohibiting the use of artificial trans fats in the preparation of food. (McEachern, Rock 16; Splaine, Rock 16: Commerce)
- HB 326**, relative to disclosure of the basis for disciplinary proceedings among members of the board of medicine. (Pantelakos, Rock 16; Splaine, Rock 16; Serlin, Rock 16; Powers, Rock 16; McEachern, Rock 16; Fuller Clark, Dist 24: Executive Departments and Administration)
- HB 327**, relative to pharmacy-based immunization delivery. (Wendelboe, Belk 1; Case, Rock 1; Bettencourt, Rock 4: Health, Human Services and Elderly Affairs)
- HB 328**, relative to the regulation of electrical installation of alarms. (Infantine, Hills 13: Executive Departments and Administration)
- HB 329**, relative to the fire equipment servicing certification program. (Infantine, Hills 13: Executive Departments and Administration)
- HB 330**, establishing a task force to study the feasibility of supplying laptop computers to all 7<sup>th</sup> grade children in the state. (Blanchard, Merr 10; Gile, Merr 10; S. Merrick, Coos 2; Harvey, Hills 21: Education)
- HB 331**, relative to the withholding of building permits in certain cases. (Skinder, Sull 1; Phinizy, Sull 5; Donovan, Sull 4: Municipal and County Government)
- HB 332**, relative to the procurement of eggs and egg products by the state. (Hall, Hills 5; Owen, Merr 4; Skinder, Sull 1; Gile, Merr 10; Roberge, Dist 9: Environment and Agriculture)
- HB 333**, requiring driver education to include operation of manual transmission vehicles. (Wells, Rock 8; Dunn, Ches 3; Guthrie, Rock 8; Butynski, Ches 4: Transportation)
- HB 334**, relative to the hours for sale of alcoholic beverages in stores. (Theberge, Coos 4: Commerce)
- HB 335**, defining “unnecessary hardship” for purposes of zoning variances. (Sorg, Graf 3; Kurk, Hills 7: Municipal and County Government)
- HB 336**, requiring notice of the classifications of employee and independent contractor. (Infantine, Hills 13; Hassan, Dist 23: Labor, Industrial and Rehabilitative Services)
- HB 337**, relative to penalties for failure to have workers’ compensation coverage. (Infantine, Hills 13; Bishop, Rock 2; Hassan, Dist 23: Labor, Industrial and Rehabilitative Services)
- HB 338**, requiring the plumbers’ board to report on the feasibility of reestablishing reciprocity with neighboring states in licensing of plumbers. (Butynski, Ches 4; Butterworth, Ches 4; J. Tilton, Merr 6: Executive Departments and Administration)
- HB 339**, establishing a commission to study the processing and denial of health insurance claims. (Butynski, Ches 4; J. Tilton, Merr 6; Mitchell, Ches 7: Commerce)
- HB 340**, restricting sex offenders from residing within a certain distance from schools and child-oriented organizations. (Infantine, Hills 13: Criminal Justice and Public Safety)
- HB 341**, establishing a study committee to review current laws and rules enforced by the liquor commission. (Infantine, Hills 13: Commerce)
- HB 342-FN**, relative to workers’ compensation coverage for certain independent contractors. (Infantine, Hills 13: Labor, Industrial and Rehabilitative Services)
- HB 343**, relative to religious organization property tax exemption requirements. (Itse, Rock 9: Municipal and County Government)
- HB 344**, relative to conduct of recounts. (Whalley, Belk 5: Election Law)
- HB 345**, relative to certification of death certificates. (Rochette, Hills 20; Serlin, Rock 16: Health, Human Services and Elderly Affairs)
- HB 346-FN-L**, establishing a defined contribution retirement option in the New Hampshire retirement system. (L. Christiansen, Hills 27: Executive Departments and Administration)
- HB 347**, establishing a committee to study establishing classes of property to be taxed at different rates under the statewide enhanced education tax. (Carson, Rock 3: Ways and Means)
- HB 348**, relative to the payment of college or postsecondary education expenses as part of a child support agreement. (Emerson, Ches 7; Pilliod, Belk 5; Carolyn Brown, Carr 1; Gargas, Hills 5; Butynski, Ches 4; Burrige, Ches 3: Children and Family Law)
- HB 349**, relative to exemptions from the consumer protection act. (Kurk, Hills 7: Commerce)
- HB 351**, clarifying that the definition of “overseas business organization” includes all foreign incorporated business organizations and all 80/20 business organizations, and redefining “business activity” for purposes of the business profits tax. (Major, Rock 8; Hamm, Merr 4: Ways and Means)
- HB 352-L**, relative to trust funds for public school educational enhancement. (Snow, Rock 1: Education)

**HB 353-L**, relative to public access to ballots prior to their destruction. (Snow, Rock 1: Election Law)  
**HB 354**, establishing a committee to study the feasibility of establishing ecological consumption taxes as a source of revenue for the state. (Owen, Merr 4; Borden, Rock 18; Marsh, Rock 17: Ways and Means)

**HB 355-FN**, establishing number plates supporting New Hampshire public higher education. (Hutz, Straf 5; M. Rollo, Straf 2; Levasseur, Hills 11; B. Browne, Straf 4; D'Allesandro, Dist 20: Transportation)

**HB 356**, relative to requiring a comprehensive impact report before a municipality approves or disapproves a proposed development project. (DeChane, Straf 3; Wheeler, Merr 6: Municipal and County Government)

**HB 357**, relative to disclosure of the sale of revolving credit loans to third parties. (Hopfgarten, Rock 5: Commerce)

**HB 358**, relative to the procedure for listing candidates on state election ballots. (Hopfgarten, Rock 5: Election Law)

**HB 359-FN**, relative to recovery of medical assistance from an estate. (Kidder, Merr 1: Judiciary)

**HB 360**, relative to commercial construction contracts. (Infantine, Hills 13: Commerce)

**HB 361**, relative to technical changes in certain laws governing public utilities. (Kaen, Straf 7: Science, Technology and Energy)

**HB 362**, relative to the director of the division of vital records. (Pilotte, Hills 16; F. Sullivan, Hills 12; DeVries, Dist 18: Executive Departments and Administration)

**HB 363**, relative to certain notification for emergency contraception. (Dumaine, Rock 3; Itse, Rock 9; N. Elliott, Hills 19; Boyce, Belk 5: Executive Departments and Administration)

**HB 364**, requiring that the order of names on ballots be determined by lottery. (Walz, Merr 13: Election Law)

**HB 365**, establishing a commission to study foreclosures of home mortgages and the foreclosure rescue scam industry. (Donovan, Sull 4: Commerce)

**HB 366-FN**, relative to work on Thanksgiving and Christmas Day. (Hilliard, Straf 2; Splaine, Rock 16: Labor, Industrial and Rehabilitative Services)

**HB 367**, relative to incompatible offices. (Vaillancourt, Hills 15: Election Law)

**HB 368-FN**, prohibiting trafficking in persons. (Ulery, Hills 27; Itse, Rock 9; L. Ober, Hills 27; Renzullo, Hills 27; Crane, Hills 21; Griffin, Rock 4; Bedrick, Rock 4: Criminal Justice and Public Safety)

**HB 369-FN**, relative to state reimbursement for costs of bailiffs. (Mooney, Hills 19; Emerton, Hills 7; B. Shaw, Hills 16; Harvey, Hills 21; Rowe, Hills 6; Roberge, Dist 9: Judiciary)

**HB 370**, relative to withholding or withdrawal of life-sustaining treatment. (Mooney, Hills 19; Rowe, Hills 6; Itse, Rock 9; Roberge, Dist 9; Kenney, Dist 3: Judiciary)

**HB 371**, establishing accessibility requirements for new residential home construction. (L'Heureux, Hills 19; Greco, Merr 7; Mooney, Hills 19; O'Neil, Hills 19: Commerce)

**HB 372-FN-A**, exempting motor vehicles equipped and used for transporting disabled persons from the tax on rental of motor vehicles. (M. Clark, Hills 18; Bettencourt, Rock 4; Villeneuve, Hills 18; Roberge, Dist 9: Ways and Means)

**HB 373**, relative to unlawful possession of alcohol by a minor. (Tholl, Coos 2; W. Knowles, Straf 6; Welch, Rock 8; Downing, Dist 22: Criminal Justice and Public Safety)

**HB 374-FN-A**, increasing the appropriation to the firemen's relief fund. (Price, Hills 26; D. Eaton, Ches 2; Phinizy, Sull 5; Hawkins, Hills 18; Gallus, Dist 1; Kenney, Dist 3: Finance)

**HB 376-FN-A**, distributing certain meals and rooms tax revenues to the fish and game fund. (D. Smith, Hills 22; Phinizy, Sull 5; L'Heureux, Hills 19; Gallus, Dist 1; Sgambati, Dist 4: Ways and Means)

**HB 377-FN-L**, relative to the right-to-know law. (J. Thomas, Belk 5; J. Garrity, Rock 6; Espieffs, Ches 3: Judiciary)

**HB 378-FN-A**, making an appropriation to the department of health and human services for start-up and equipment costs of the Tri-County Community Action Program dental facility. (Martin, Carr 5; Hatch, Coos 3; Kidder, Merr 1; Denley, Carr 5; Pelkey, Ches 7: Finance)

**HB 379**, relative to the adoption, revision, and amendment of municipal charters. (M. Smith, Straf 7; Hopfgarten, Rock 5; Irwin, Hills 3; Patten, Carr 4; Burling, Dist 5: Municipal and County Government)

- HB 380**, relative to the forms of government under town charters. (M. Smith, Straf 7; Hopfgarten, Rock 5; Irwin, Hills 3; Patten, Carr 4; Burling, Dist 5: Municipal and County Government)
- HB 381**, relative to the procedures for New Hampshire individuals taking driver education courses in Vermont. (Ingbreton, Graf 5; Stohl, Coos 1: Transportation)
- HB 382-FN**, relative to vanity number plates for licensed amateur radio operators. (Ingbreton, Graf 5: Transportation)
- HB 383**, relative to waterfront buffer and woodland buffer requirements in the comprehensive shoreland protection act. (Spang, Straf 7; Powers, Rock 16; Beaulieu, Hills 17; Fuller Clark, Dist 24: Resources, Recreation and Development)
- HB 384**, relative to repealing the authority of the department of environmental services regarding sludge and biosolids and establishing a committee to study new sludge legislation. (Hall, Hills 5; Owen, Merr 4: Environment and Agriculture)
- HB 385-FN**, relative to licensing and insurance fees. (Reardon, Merr 11; McLeod, Graf 2; D. Flanders, Belk 4; Headd, Rock 3: Commerce)
- HB 386-FN**, relative to advertisement of prescription drugs. (DeJoie, Merr 11; Matthew Quandt, Rock 13: Commerce)
- HB 387**, relative to penalties for election law violations. (Harvey, Hills 21; Weed, Ches 3: Election Law)
- HB 388-FN-A**, establishing the position of fire protection engineer and requiring the commissioner of safety to establish fees for building, life safety, and fire protection system plan review by the state fire marshal. (Pilotte, Hills 16; F. Sullivan, Hills 12; DeVries, Dist 18: Executive Departments and Administration)
- HB 389**, establishing a commission to study long-term care oversight and enforcement. (Irwin, Hills 3; Emerson, Ches 7; Carolyn Brown, Carr 1; Wendelboe, Belk 1: Health, Human Services and Elderly Affairs)
- HB 390**, relative to review of developments of regional impact. (Lasky, Hills 26; Spang, Straf 7; Fargo, Straf 4: Municipal and County Government)
- HB 391**, establishing a committee to study the implementation of a circuit breaker on property tax liability. (J. Hammond, Hills 3; Bragdon, Dist 11: Municipal and County Government)
- HB 392**, relative to the use of property held by the state of New Hampshire under an easement specifying low impact recreational use only. (Spang, Straf 7; Foose, Merr 1; Drisko, Hills 5; Janeway, Dist 7: Resources, Recreation and Development)
- HB 393**, relative to information filed by utilities paying the utility property tax. (Patten, Carr 4; Butterworth, Ches 4: Municipal and County Government)
- HB 394-FN**, relative to notice to defendants in small claims actions. (D. Cote, Hills 23; Dokmo, Hills 6; Foster, Dist 13: Judiciary)
- HB 395-FN**, relative to penalties for computer crime. (Rosenwald, Hills 22; Edwards, Hills 26; Movsesian, Hills 22; Fontas, Hills 24; Kurk, Hills 7; Gottesman, Dist 12; Reynolds, Dist 2: Criminal Justice and Public Safety)
- HB 396**, establishing a commission to study autism spectrum disorders in New Hampshire. (Butcher, Ches 3; DeJoie, Merr 11; Donovan, Sull 4; MacKay, Merr 11; Wallner, Merr 12; Hassan, Dist 23; Kelly, Dist 10; Gambati, Dist 4: Health, Human Services and Elderly Affairs)
- HB 397**, relative to restricted drivers' licenses. (Wells, Rock 8; Dunn, Ches 3; Guthrie, Rock 8; Butynski, Ches 4; Letourneau, Dist 19: Transportation)
- HB 398**, establishing a committee to study implementing a bedroom tax on residential dwellings. (Holden, Hills 7: Municipal and County Government)
- HB 399**, relative to variable rates of overtime. (Holden, Hills 7: Labor, Industrial and Rehabilitative Services)
- HB 401-FN**, relative to the removal of certain property tax abatement petitions filed with the superior court. (G. Richardson, Merr 4; Janeway, Dist 7: Judiciary)
- HB 402-FN-A**, making an appropriation to the Good Neighbor Health Clinic. (L. Hammond, Graf 11; Harding, Graf 11; Houde, Sull 1; Solomon, Graf 10; Mulholland, Graf 10; Burling, Dist 5: Finance)
- HB 403**, establishing the Interstate 93 widening commission. (Kurk, Hills 7: Public Works and Highways)
- HB 404-L**, prohibiting state and local law enforcement agencies from enforcing federal immigration laws. (Mesa, Hills 17; Nord, Rock 1: Criminal Justice and Public Safety)

- HB 405**, establishing a committee to study the disposal of end of life vehicles. (L. Christiansen, Hills 27: Transportation)
- HB 406**, relative to access to state child support enforcement records. (Moran Hills 18; Blanchard, Merr 10; Flockhart, Rock 13; Fuller Clark, Dist 24; Sgambati, Dist 4: Children and Family Law)
- HB 407-FN-A**, establishing a dairy stabilization fund for dairy farmers. (O'Connell, Hills 6; Gallus, Dist 1: Environment and Agriculture)
- HB 408**, establishing a council for the homeless. (J. Tilton, Merr 6; Matarazzo, Hills 20; Wall, Straf 7; Donovan, Sull 4; Ryan, Merr 2; Fuller Clark, Dist 24; Hassan, Dist 23: Health, Human Services and Elderly Affairs)
- HB 409**, relative to liquor licenses for sports recreation facilities. (Aguiar, Graf 6; Renzullo, Hills 27; Benn, Graf 9; Cooney, Graf 7: Commerce)
- HB 410**, establishing a commission on child support issues. (Matarazzo, Hills 20: Children and Family Law)
- HB 411**, establishing a committee to study the absorption of the fish and game department by other state agencies. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Weyler, Rock 8: Fish and Game)
- HB 412-FN-A**, relative to a new bridge connecting Hampton and Seabrook and making an appropriation therefor. (Stiles, Rock 15; M. Preston, Rock 14; Weare, Rock 14; McQuirk, Rock 15; Fuller Clark, Dist 24; Hassan, Dist 23: Public Works and Highways)
- HB 413**, relative to the order of names on ballots. (Vaillancourt, Hills 15; D. Eaton, Ches 2: Election Law)
- HB 414**, relative to the sale of class A sludge in bulk agricultural fertilizer bags. (Phinizy, Sull 5; O'Connell, Hills 6; Owen, Merr 4; Essex, Hills 1; Odell, Dist 8: Environment and Agriculture)
- HB 415-FN**, establishing a geothermal assessment project. (Theberge, Coos 4; L. Ober, Hills 27; Phinizy, Sull 5; M. Allen, Rock 11: Science, Technology and Energy)
- HB 416**, relative to mercury reduction. (Phinizy, Sull 5; B. Williams, Graf 8; Butcher, Ches 3; Weber, Ches 2; Owen, Merr 4; Hassan, Dist 23; Burling, Dist 5; Janeway, Dist 7; Fuller Clark, Dist 24: Environment and Agriculture)
- HB 417-FN-A**, making a supplemental appropriation to the department of safety for overtime pay to state troopers. (Rodeschin, Sull 2; M. Allen, Rock 11: Finance)
- HB 418**, relative to RV friendly highway signs. (Martin, Carr 5; McLeod, Graf 2; Bucu, Carr 1; Hatch, Coos 3; DeVries, Dist 18: Public Works and Highways)
- HB 419-FN-L**, relative to the cost to counties of convicted inmates awaiting sentencing in a county correctional facility. (Patten, Carr 4; Phinizy, Sull 5; Stevens, Carr 4; Gallus, Dist 1: Criminal Justice and Public Safety)
- HB 420**, relative to the procedures for approving, reviewing, and transferring appropriations in county budgets. (Patten, Carr 4; Phinizy, Sull 5: Municipal and County Government)
- HB 421**, relative to the right to a jury trial. (Itse, Rock 9; Sorg, Graf 3: Judiciary)
- HB 422**, authorizing the granting of abatements to persons whose children are enrolled in schools other than the local public schools. (Itse, Rock 9; Lund, Rock 5: Municipal and County Government)
- HB 423**, allowing municipalities to adopt a business incentive property tax credit. (Mulholland, Graf 10; Solomon, Graf 10: Municipal and County Government)
- HB 424-FN-A**, relative to industrial hemp and establishing an industrial hemp special program fund. (Owen, Merr 4; L. Hammond, Graf 11; Tupper, Merr 6; Nord, Rock 1; Cilley, Dist 6: Environment and Agriculture)
- HB 426**, relative to workers' compensation rates and resolution of disputes relative to classification of employees or independent contractors. (Infantine, Hills 13: Labor, Industrial and Rehabilitative Services)
- HB 427**, relative to construction and demolition debris. (Hamm, Merr 4; O'Connell, Hills 6; Butynski, Ches 4; Owen, Merr 4; Burling, Dist 5; Janeway, Dist 7; Larsen, Dist 15; Fuller Clark, Dist 24: Science, Technology and Energy)
- HB 428**, relative to prohibiting the combustion of construction and demolition waste. (Hamm, Merr 4; Knox, Carr 4; Phinizy, Sull 5; Harvey, Hills 21; Pilliod, Belk 5; Burling, Dist 5; Fuller Clark, Dist 24; Janeway, Dist 7; Larsen, Dist 15: Science, Technology and Energy)
- HB 429**, relative to nominations by multiple parties. (M. Smith, Straf 7; Clemons, Hills 24; Weed, Ches 3; D. Eaton, Ches 2; Splaine, Rock 16; Burling, Dist 5: Election Law)

- HB 430**, establishing a committee to study a constitutional amendment to guarantee a right to personal privacy. (Ryan, Merr 2; E. Merrick, Coos 2; Dokmo, Hills 6; S. Merrick, Coos 2; M. Knowles, Hills 27; Burling, Dist 5: Judiciary)
- HB 431**, establishing a commission to study academic and financial requirements for recipients of Pell grants. (Ryan, Merr 2; Shurtleff, Merr 10; Burling, Dist 5; Reynolds, Dist 2: Education)
- HB 432-FN**, relative to age requirements for cocktail lounges. (Velez, Hills 12; Jeudy, Hills 10: Commerce)
- HB 433-FN-A**, relative to funding of fish and game department search and rescue operations. (D. Smith, Hills 22; Reed, Merr 2; Greco, Merr 7: Fish and Game)
- HB 434**, relative to fishing in the Connecticut River. (D. Smith, Hills 22; Rodeschin, Sull 2; Nowe, Rock 9; M. Rollo, Straf 2; DeVries, Dist 18; Odell, Dist 8: Fish and Game)
- HB 435-FN-A**, making an appropriation to provide a death benefit for the family of a seasonal department of transportation employee. (Shurtleff, Merr 10: Finance)
- HB 436**, expanding employee freedom of expression to all public employees. (Ulery, Hills 27; Holden, Hills 7; Wendelboe, Belk 1; P. McMahon, Merr 3: Labor, Industrial and Rehabilitative Services)
- HB 437-FN-L**, permitting same gender couples to enter spousal unions and have the same rights, responsibilities, and obligations as married couples. (Splaine, Rock 16; Hilliard, Straf 2: Judiciary)
- HB 438**, renaming a certain island in Blackey's Cove in Lake Winnepesaukee. (Patten, Carr 4; Knox, Carr 4; Gottesman, Dist 12; Kenney, Dist 3: Resources, Recreation and Development)
- HB 439**, relative to certain rulemaking authority of the commissioner of environmental services. (Patten, Carr 4; Pilotte, Hills 16: Executive Departments and Administration)
- HB 440-FN**, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting. (Patten, Carr 4; Solomon, Graf 10; Brueggemann, Merr 12; Gallus, Dist 1: Resources, Recreation and Development)
- HB 441-FN-A**, establishing a non-motorized trails grant program and making an appropriation therefor. (Solomon, Graf 10: Resources, Recreation and Development)
- HB 442-FN**, prohibiting unconscionable prices for essential commodities during a declared state of emergency. (Osborne, Merr 12; Theberge, Coos 4; Marshall Quandt, Rock 13; Rosenwald, Hills 22; Matthew Quandt, Rock 13; Fuller Clark, Dist 24: Commerce)
- HB 443**, relative to requirements for admission to the New Hampshire bar upon motion. (Marshall Quandt, Rock 13; Buxton, Rock 10; C. Robertson, Rock 13; Gallus, Dist 1: Judiciary)
- HB 444**, relative to parental rights in abuse and neglect cases. (Pelkey, Ches 7; C. Chase, Hills 2; Bragdon, Dist 11: Children and Family Law)
- HB 445-FN-L**, relative to the assessment of open space land. (Pelkey, Ches 7; Chandler, Carr 1; Patten, Carr 4: Municipal and County Government)
- HB 446**, requiring the expulsion of a pupil for threatening a school employee. (Mooney, Hills 19; O'Neil, Hills 19; Barry, Hills 19; Roberge, Dist 9; Kenney, Dist 3: Criminal Justice and Public Safety)
- HB 447**, relative to net energy metering. (Kaelin, Hills 4; C. Chase, Hills 2; Fuller Clark, Dist 24: Science, Technology and Energy)
- HB 448-L**, relative to early renewals of vehicle registrations. (Irwin, Hills 3: Transportation)
- HB 449-FN**, relative to motor vehicle inspections. (Vaillancourt, Hills 15; Winters, Hills 17: Transportation)
- HB 451-FN**, increasing the state's portion of special education funding. (Itse, Rock 9; Lund, Rock 5: Finance)
- HB 452-FN**, dedicating a percentage of liquor, wine, and beer revenues to the education trust fund. (Parkhurst, Ches 4: Ways and Means)
- HB 453**, establishing a committee to study the feasibility of merging marine patrol and fish and game department law enforcement staffing and resources. (Walz, Merr 13; Hilliard, Straf 2; Tholl, Coos 2: Fish and Game)
- HB 454**, relative to meetings of the supervisors of the checklist. (Pierce, Graf 9; Weed, Ches 3; C. Chase, Hills 2: Election Law)
- HB 455**, repealing the law relative to screening panels for medical injury claims. (Rowe, Hills 6; Mooney, Hills 19; Itse, Rock 9; Lasky, Hills 26: Judiciary)



**HB 456**, limiting liability for town health officers when acting in the course of their official duties. (Gorman, Hills 23: Municipal and County Government)

**HB 457**, allowing municipalities to restrict lawn watering during declared droughts. (Spang, Straf 7; Fargo, Straf 4; Foose, Merr 1; Weed, Ches 3; Cilley, Dist 6; Fuller Clark, Dist 24: Municipal and County Government)

**HB 458**, relative to the exemption of replacement or redundant wells from the large groundwater withdrawal permitting process. (Spang, Straf 7; Fargo, Straf 4; Beaulieu, Hills 17; Brueggemann, Merr 12; Fuller Clark, Dist 24: Resources, Recreation and Development)

**HB 459**, relative to the identification of wells. (Spang, Straf 7; Fargo, Straf 4; Beaulieu, Hills 17; Cilley, Dist 6; Fuller Clark, Dist 24: Resources, Recreation and Development)

**HB 460**, relative to conservation restrictions to protect public water supplies. (Moody, Rock 12; Brueggemann, Merr 12; Tupper, Merr 6; Wall, Straf 7; Harvey, Hills 21; Cilley, Dist 6: Resources, Recreation and Development)

**HB 461**, relative to purchasing alliances. (Stepanek, Hills 6; Lasky, Hills 26; Price, Hills 26; Charles Clark, Belk 5; Hinkle, Hills 19; Kenney, Dist 3; Foster, Dist 13: Commerce)

**HB 462**, relative to site plan review of agricultural operations. (O'Connell, Hills 6; Tobin, Belk 2; B. Williams, Graf 8: Municipal and County Government)

**HB 463**, relative to the awarding parental rights and responsibilities to a stepparent or grandparent. (Itse, Rock 9; Julie Brown, Straf 1; B. Richardson, Ches 5; Ginsburg, Hills 20: Children and Family Law)

**HB 464**, relative to Silver Lake in Belmont and Tilton. (Whalley, Belk 5; J. Thomas, Belk 5; D. Russell, Belk 6; J. Allen, Belk 5; Pilliod, Belk 5; Sgambati, Dist 4: Resources, Recreation and Development)

**HCR 4**, endorsing the placement of a New Hampshire Air Force Memorial at the veterans cemetery in Boscawen. (Domingo, Straf 5; Weyler, Rock 8; R. Ober, Hills 27; Hofemann, Straf 6; Roberts, Ches 3; D'Allesandro, Dist 20; Kenney, Dist 3; Barnes, Dist 17; Fuller Clark, Dist 24: Public Works and Highways)

**HR 7**, urging increased consideration and preservation of local authority in international trade and investment agreements. (Weed, Ches 3; Ingbreton, Graf 5; Nord, Rock 1: State-Federal Relations and Veterans Affairs)

**HR 8**, requesting an opinion from the New Hampshire supreme court on certain questions regarding education funding. (Sorg, Graf 3; Itse, Rock 9; Garcia, Rock 4; Ingbreton, Graf 5; Bettencourt, Rock 4: Judiciary)

**CACR 7**, Relating to county officers. Providing that certain county officers shall be appointed rather than elected. (Mulholland, Graf 10: Election Law)

**CACR 8**, Relating to the term of office of the governor and the election of the attorney general. Providing that the governor's term of office shall be 4 years and that the attorney general shall be elected by the house of representatives and the senate. (DiFruscia, Rock 4; Gleason, Rock 5; Holden, Hills 7: Election Law)

**CACR 9**, Relating to registers of probate. Providing that the requirement that registers of probate be elected be removed. (C. Chase, Hills 2; Mitchell, Ches 7; McEachern, Rock 16; DeJoie, Merr 11; Kaelin, Hills 4: Municipal and County Government)

**CACR 10**, Relating to sessions of the legislature. Providing that the legislature meet biennially and meet after June 30 in odd-numbered years only in special session called by the governor or by 2/3 vote of the general court. (Hopfgarten, Rock 5: Legislative Administration)

**CACR 11**, Relating to the term of office for governor. Providing that beginning with the 2010 general election, there shall be a 4-year term of office for governor. (Campbell, Hills 24; Peterson, Hills 3; Burling, Dist 5; D'Allesandro, Dist 20: Executive Departments and Administration)

**CACR 12**, Relating to county personnel. Providing that county treasurers, registers of probate, county attorneys, sheriffs, and registers of deeds shall be appointed by the county commissioners. (Burridge, Ches 3: Municipal and County Government)

## RECESS

(Rep. Foster in the Chair)

## RESOLUTION

Rep. Daniel Eaton offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 465 through 474, 476 through 499, 501 through 524, 526

through 549, 551 through 574, 576 through 578, House Concurrent Resolutions numbered 5 and 6 and Constitutional Amendment Concurrent Resolution number 14 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.  
Adopted.

## INTRODUCTION OF HOUSE BILLS, HCRS AND CACR

### First, second reading and referral

**HB 465-FN**, relative to marking ballots cast at elections. (L. Christiansen, Hills 27: Election Law)

**HB 466-L**, relative to removal of vehicles from state park and ride lots. (Rausch, Rock 5; Graham, Hills 18; Waterhouse, Rock 4; Cloutier, Sull 4; Kenney, Dist 3; Downing, Dist 22: Public Works and Highways)

**HB 467**, requiring the department of environmental services to develop a climate action plan and to report on global warming issues. (Ryan, Merr 2; McKenna, Rock 5; Fuller Clark, Dist 24; Burling, Dist 5: Science, Technology and Energy)

**HB 468**, relative to establishing the freedom's way heritage area and commission. (Bergin, Hills 6; Dokmo, Hills 6; Gargas, Hills 5; Leishman, Hills 6; Gottesman, Dist 12; Bragdon, Dist 11: Resources, Recreation and Development)

**HB 469**, relative to on-premises cocktail lounge licenses for caterers. (Hunt, Ches 7: Commerce)

**HB 470**, relative to the determination of parental rights and responsibilities. (McRae, Hills 7: Children and Family Law)

**HB 471-FN-A**, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund. (Benn, Graf 9; Tahir, Hills 9; D'Allesandro, Dist 20: Labor, Industrial and Rehabilitative Services)

**HB 472-FN**, increasing fees for hazardous waste management and contaminated site cleanup, establishing rulemaking authority to set future fees, and changing reporting requirements. (Powers, Rock 16; Beaulieu, Hills 17; Knox, Carr 4; Fuller Clark, Dist 24: Environment and Agriculture)

**HB 473-FN**, relative to reimbursement for members of the council for teacher education. (Rous, Straf 7; Stiles, Rock 15: Education)

**HB 474**, excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities. (Mitchell, Ches 7: Municipal and County Government)

**HB 476**, relative to membership on the public utilities commission. (Weyler, Rock 8; Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Bettencourt, Rock 4: Science, Technology and Energy)

**HB 477-FN**, relative to redeeming tokens. (DeJoie, Merr 11: Public Works and Highways)

**HB 478-FN-A**, decreasing the rate of the business profits tax. (Renzullo, Hills 27; Ulery, Hills 27; Hopfgarten, Rock 5; Itse, Rock 9: Ways and Means)

**HB 479**, relative to the default budget in official ballot towns. (Weyler, Rock 8; Kurk, Hills 7; Buco, Carr 1: Municipal and County Government)

**HB 480**, relative to party columns listing names on ballots. (Whalley, Belk 5; Hess, Merr 9; Downing, Dist 22; Burling, Dist 5: Election Law)

**HB 481**, relative to suspensions of liquor licenses. (Velez, Hills 12; Brunelle, Hills 17; Long, Hills 10; DeVries, Dist 18: Commerce)

**HB 482**, adding the song "Live Free or Die" as an official state song. (D. Smith, Hills 22; Mooney, Hills 19; P. Allen, Ches 6; Price, Hills 26; Kenney, Dist 3: Executive Departments and Administration)

**HB 483-FN**, relative to mosquito control districts. (MacKay, Merr 11; Rosenwald, Hills 22; Gorman, Hills 23; Hassan, Dist 23; Sgambati, Dist 4: Health, Human Services and Elderly Affairs)

**HB 484**, relative to liens held by condominium associations on condominiums. (Hutchinson, Rock 3: Commerce)

**HB 485**, exempting tidal waters from the general rules for vessels operating on water. (Schmidt, Straf 4: Resources, Recreation and Development)

**HB 486-FN**, requiring that the effect of turnpike tolls on towns be proportional and reasonable. (Hinkle, Hills 19; L'Heureux, Hills 19; O'Neil, Hills 19; Mooney, Hills 19; Roberge, Dist 9: Public Works and Highways)

**HB 487**, granting a property tax credit to persons aged 65 and older who have been residents for at least 10 years and not been convicted of a felony. (DiFruscia, Rock 4; Gleason, Rock 5; Gallus, Dist 1; Kenney, Dist 3: Municipal and County Government)



**HB 488-FN-A-L**, relative to the state chief medical examiner and medico-legal death investigations. (Franklin, Sull 2; Osborne, Merr 12; Hinkle, Hills 19; D'Allesandro, Dist 20; Odell, Dist 8: Criminal Justice and Public Safety)

**HB 489-FN**, changing the salary grade of certain department of safety positions. (Tholl, Coos 2: Executive Departments and Administration)

**HB 490-FN**, requiring hospitals to make the price of certain common procedures available to the public. (Hall, Hills 5: Health, Human Services and Elderly Affairs)

**HB 491**, establishing the public health improvement services council. (Pilliod, Belk 5; Butynski, Ches 4; MacKay, Merr 11: Health, Human Services and Elderly Affairs)

**HB 492**, relative to consumer protection in telecommunication contracts. (Levesque, Hills 5: Commerce)

**HB 493-FN-A**, expanding the meals and rooms tax on rentals to include motorized recreational vehicles. (D. Smith, Hills 22; Casey, Rock 11; Hilliard, Straf 2; Heald, Belk 3: Ways and Means)

**HB 494-FN-A**, relative to keno in New Hampshire. (Camm, Rock 8; Wickson, Rock 5: Ways and Means)

**HB 495-FN**, relative to criminal record and central registry checks of prospective foster and adoptive parents. (Harvey, Hills 21; Gile, Merr 10; Grassie, Straf 1; Gargas, Hills 5: Children and Family Law)

**HB 496**, relative to a property tax exemption for portable docks, piers, and wharves. (Schmidt, Straf 4: Municipal and County Government)

**HB 497-FN**, requiring jail time for certain offenses involving bad checks. (Ingbretson, Graf 5: Criminal Justice and Public Safety)

**HB 498-FN-A**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department. (Reed, Merr 2; Chandler, Carr 1; Ryan, Merr 2; L'Heureux, Hills 19; Stohl, Coos 1: Resources, Recreation and Development)

**HB 499**, relative to the innovative research center. (J. Thomas, Belk 5; Odell, Dist 8: Commerce)

**HB 501-FN-A**, relative to keno and using keno revenues for college scholarships. (Hutchinson, Rock 3: Ways and Means)

**HB 502-FN-A-L**, allowing foster families to receive subsidies for foster children attending postsecondary educational facilities and establishing a scholarship fund for foster children. (Blanchard, Merr 10; Gargas, Hills 5; French, Merr 5: Children and Family Law)

**HB 503-FN**, relative to establishing a solid waste management fund and assessing a surcharge for the disposal of solid waste. (Powers, Rock 16; Beaulieu, Hills 17; O'Connell, Hills 6; Kaen, Straf 7; Fuller Clark, Dist 24: Environment and Agriculture)

**HB 504-FN**, relative to registration requirements for certain criminal offenders under age 21. (Jennifer Brown, Straf 5; L. Hammond, Graf 11; Nielsen, Sull 4; Pantelakos, Rock 16: Criminal Justice and Public Safety)

**HB 505-FN-A**, relative to enhanced water quality monitoring for lakes and beaches. (Emerson, Ches 7; Carolyn Brown, Carr 1; Pilliod, Belk 5; B. Richardson, Ches 5; Parkhurst, Ches 4; Burrige, Ches 3: Resources, Recreation and Development)

**HB 506**, relative to references to "United States citizen" in the New Hampshire statutes. (L. Christiansen, Hills 27: Judiciary)

**HB 507**, relative to the rights of citizens. (L. Christiansen, Hills 27: Judiciary)

**HB 508**, relative to the unlawful adoption of part 2, article 72-a of the New Hampshire constitution. (L. Christiansen, Hills 27: Judiciary)

**HB 509**, relative to constitutionality of law. (L. Christiansen, Hills 27: Judiciary)

**HB 510-FN-A-L**, establishing authority for construction and regulation of casinos. (Gionet, Graf 3; King, Coos 1; Ingram, Rock 4; Weyler, Rock 8; Theberge, Coos 4; Gallus, Dist 1: Ways and Means)

**HB 511**, increasing the total prize value of a bingo game or series of games and establishing a study committee on increasing the price of lucky 7 tickets. (Crane, Hills 21; Weare, Rock 14: Ways and Means)

**HB 512-FN**, relative to commercial advertising on toll booths. (Crane, Hills 21; Kenney, Dist 3: Public Works and Highways)

**HB 513**, establishing a housing commission. (DeStefano, Merr 13; Burling, Dist 5: Commerce)

**HB 514-FN-L**, relative to the applicable minimum wage for hourly employees. (M. Smith, Straf 7; Butler, Carr 1; Holden, Hills 7; Fuller Clark, Dist 24; Burling, Dist 5; Hassan, Dist 23; Gottesman, Dist 12: Labor, Industrial and Rehabilitative Services)

- HB 515-FN**, relative to combat veteran stickers on number plates. (Belanger, Rock 4; Bettencourt, Rock 4; Griffin, Rock 4; Priestley, Rock 4; Kenney, Dist 3: Transportation)
- HB 516**, authorizing the Mount Washington Chamber of Commerce to erect a sign on Interstate 95 in Portsmouth. (Buco, Carr 1: Public Works and Highways)
- HB 517**, establishing a commission to investigate cost drivers in providing health care. (MacKay, Merr 11; Rosenwald, Hills 22; McLeod, Graf 2; Hassan, Dist 23; Sgambati, Dist 4; Fuller Clark, Dist 24: Health, Human Services and Elderly Affairs)
- HB 518-FN**, relative to establishing reciprocity for liability limitations on claims against the state and against foreign jurisdictions. (Campbell, Hills 24: Judiciary)
- HB 519**, requiring children 12 years of age or under to wear personal flotation devices. (Campbell, Hills 24; Rodeschin, Sull 2; Odell, Dist 8; Hassan, Dist 23: Children and Family Law)
- HB 520-FN-A**, establishing a state-owned casino to provide funds for public education. (DiFruscia, Rock 4; Gleason, Rock 5; Holden, Hills 7; Gallus, Dist 1: Ways and Means)
- HB 521**, relative to the definition of an adequate education. (DiFruscia, Rock 4; Gleason, Rock 5; Holden, Hills 7; Gallus, Dist 1: Education)
- HB 522**, requiring the supreme court to notify the legislature of any pending cases or matters before the court which involve constitutional issues regarding current law or pending legislation. (DiFruscia, Rock 4; Holden, Hills 7; Kenney, Dist 3: Judiciary)
- HB 523**, relative to lobbyist registration and statements. (Hager, Merr 12: Legislative Administration)
- HB 524**, relative to the submission of minutes of the county convention adopting the budget to the department of revenue administration. (Cloutier, Sull 4: Municipal and County Government)
- HB 526-FN-A**, requiring district court judges to annually attend an educational program offered by the National Judicial College and establishing a surcharge on fines collected in the district court to pay for the costs of such attendance. (Burrige, Ches 3: Judiciary)
- HB 527-FN-A**, establishing a recreational saltwater license for fishing of marine species in coastal and estuarine waters. (Abbott, Rock 12: Fish and Game)
- HB 528-FN**, expanding the enhanced 911 system surcharge to providers of devices and services capable of accessing enhanced 911 service in New Hampshire. (Tholl, Coos 2; Welch, Rock 8: Science, Technology and Energy)
- HB 529**, relative to disclaimers of municipal services in real estate contracts. (Casey, Rock 11: Commerce)
- HB 530**, relative to mortgages held by parties to a divorce. (Converse, Sull 4: Commerce)
- HB 531**, establishing a tourism radio sign program. (Chandler, Carr 1; Lerandeau, Ches 6; Carolyn Brown, Carr 1; Bucu, Carr 1; Butler, Carr 1: Resources, Recreation and Development)
- HB 532**, relative to insurance fraud. (DeStefano, Merr 13; McLeod, Graf 2; D. Flanders, Belk 4; Headd, Rock 3: Commerce)
- HB 533**, relative to Occupational Safety and Health Administration certification requirements for state contracts. (DeJoie, Merr 11; Theberge, Coos 4; Clemons, Hills 24; Hassan, Dist 23; D'Allesandro, Dist 20; Gallus, Dist 1; Foster, Dist 13; DeVries, Dist 18: Labor, Industrial and Rehabilitative Services)
- HB 534**, relative to political committees of political parties. (Benn, Graf 9; Almy, Graf 11; Aguiar, Graf 6; Hassan, Dist 23: Election Law)
- HB 535-FN**, establishing a regional license suspension hearing pilot program. (Butynski, Ches 4; Butterworth, Ches 4; J. Tilton, Merr 6; Mitchell, Ches 7; L. Hammond, Graf 11; Kelly, Dist 10: Criminal Justice and Public Safety)
- HB 536**, relative to the regulation of martial arts schools. (DeStefano, Merr 13; Holden, Hills 7; Clegg, Dist 14; D'Allesandro, Dist 20; Hassan, Dist 23; Estabrook, Dist 21; Cilley, Dist 6: Commerce)
- HB 537**, establishing a task force on homeless teenagers. (Blanchard, Merr 10; MacKay, Merr 11; Lockwood, Merr 6; Flockhart, Rock 13; Phinizey, Sull 5; Fuller Clark, Dist 24: Children and Family Law)
- HB 538-FN-A**, making an appropriation for the renovation of the state park system. (Campbell, Hills 24; D. Russell, Belk 6; Price, Hills 26; Gallus, Dist 1; Odell, Dist 8; Hassan, Dist 23: Public Works and Highways)
- HB 539-FN**, relative to manslaughter. (W. Knowles, Straf 6; Tholl, Coos 2; Burrige, Ches 3; Winchell, Rock 6; Forest, Hills 17; Fuller Clark, Dist 24; Roberge, Dist 9: Criminal Justice and Public Safety)

**HB 540-FN-A**, relative to solid waste reduction, establishing a solid waste disposal fee, and renaming the recycling market development steering committee. (B. Williams, Graf 8; Rous, Straf 7; Hall, Hills 5: Environment and Agriculture)

**HB 541**, relative to polling places for wards. (Hilliard, Straf 2; Splaine, Rock 16: Election Law)

**HB 542**, establishing a study committee to study the approval process of nursing education programs. (Harding, Graf 11; Millham, Belk 5; Skinder, Sull 1; Fuller Clark, Dist 24: Health, Human Services and Elderly Affairs)

**HB 543**, establishing a commission to study the licensing process for licensed alcohol and drug counselors. (Harding, Graf 11; P. McMahon, Merr 3; Millham, Belk 5; L. Hammond, Graf 11; MacKay, Merr 11; DeVries, Dist 18: Executive Departments and Administration)

**HB 544**, relative to exemptions from auctioneering for Internet sales. (Hunt, Ches 7: Executive Departments and Administration)

**HB 545**, relative to the definition of recreational therapy. (Hawkins, Hills 18: Executive Departments and Administration)

**HB 546**, establishing a commission to study liquor commission procedures and policies. (Holden, Hills 7: Executive Departments and Administration)

**HB 547-FN**, relative to the inspection of trucks. (Bergeron, Hills 27: Transportation)

**HB 548**, relative to political expenditures and contributions. (C. Chase, Hills 2; Weed, Ches 3; Pierce, Graf 9: Election Law)

**HB 549**, relative to accepting a purchase and sale agreement on developed waterfront property. (DeStefano, Merr 13; Kidder, Merr 1; Patten, Carr 4; D. Eaton, Ches 2; Gottesman, Dist 12; Clegg, Dist 14; Odell, Dist 8; Gallus, Dist 1: Commerce)

**HB 551**, allowing cities to use capital reserve funds for debt replacement. (Lasky, Hills 26: Municipal and County Government)

**HB 552**, prohibiting the intensive confinement of caged egg-laying hens. (Hall, Hills 5; Owen, Merr 4; Skinder, Sull 1; Gile, Merr 10; Roberge, Dist 9; Kenney, Dist 3: Environment and Agriculture)

**HB 553-FN-A**, requiring the state to pay legal fees for certain supreme court justices. (Davis, Merr 7; King, Coos 1; Hamm, Merr 4; G. Richardson, Merr 4: Finance)

**HB 554**, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office in Concord. (Hager, Merr 12; Osborne, Merr 12; Gile, Merr 10: Judiciary)

**HB 555**, relative to certain disclosures by campaign workers. (DeJoie, Merr 11: Election Law)

**HB 556**, relative to school emergency response plans. (L. Hammond, Graf 11; Welch, Rock 8; Hamm, Merr 4: Education)

**HB 557-L**, relative to free parking in designated handicapped zones. (Vaillancourt, Hills 15: Municipal and County Government)

**HB 558**, requiring any education trust fund surplus to be transferred to the revenue stabilization reserve account. (Weyler, Rock 8; E. Anderson, Merr 13; Kurk, Hills 7; Bettencourt, Rock 4; Gatsas, Dist 16: Finance)

**HB 559**, relative to seat belts on school buses. (Emerson, Ches 7; Carolyn Brown, Carr 1; B. Richardson, Ches 5: Transportation)

**HB 560-FN**, relative to insurance coverage for prostate cancer testing. (Drisko, Hills 5; Pilliod, Belk 5; P. Allen, Ches 6; Belanger, Rock 4; Gottesman, Dist 12: Commerce)

**HB 561-FN**, relative to pharmacy benefit managers. (Nowe, Rock 9; Rosenwald, Hills 22; Millham, Belk 5; Harding, Graf 11; M. Allen, Rock 11: Executive Departments and Administration)

**HB 562-FN**, excluding extra or special duty pay from earnable compensation in the retirement system. (Hawkins, Hills 18: Executive Departments and Administration)

**HB 563**, relative to obtaining birth certificates for stillborn children. (Infantine, Hills 13; Mooney, Hills 19: Health, Human Services and Elderly Affairs)

**HB 564-FN-A**, decreasing the rate of the business enterprise tax. (Renzullo, Hills 27; Itse, Rock 9; Hopfgarten, Rock 5; Ulery, Hills 27: Ways and Means)

**HB 565-FN**, prohibiting the use of leghold traps and conibear traps. (Vaillancourt, Hills 15; Gile, Merr 10; Leishman, Hills 6; Bettencourt, Rock 4; Roberge, Dist 9; Barnes, Dist 17: Fish and Game)

**HB 566-FN-L**, relative to the housing of inmates in county correctional facilities. (King, Coos 1; Stohl, Coos 1; Tholl, Coos 2; Burling, Dist 5; Gallus, Dist 1: Municipal and County Government)

**HB 567-FN**, relative to lowering the legal drinking age. (T. Robertson, Ches 3: Judiciary)

**HB 568-FN**, repealing the option to purchase nonqualified service credit in the New Hampshire retirement system. (Hawkins, Hills 18; Pilotte, Hills 16; Graham, Hills 18: Executive Departments and Administration)

**HB 569-FN**, relative to the retirement age for retirement system group II members. (Hawkins, Hills 18: Executive Departments and Administration)

**HB 570-FN-A**, increasing the fee for a wild turkey hunting license. (L'Heureux, Hills 19; D. Smith, Hills 22; Reed, Merr 2; Gallus, Dist 1; Roberge, Dist 9: Fish and Game)

**HB 571-FN**, relative to full-time seasonal state employees. (Shurtleff, Merr 10: Executive Departments and Administration)

**HB 572-FN**, prohibiting the use of false documentation for employment, government services, or permits. (Renzullo, Hills 27; Ulery, Hills 27: Criminal Justice and Public Safety)

**HB 573-FN**, relative to the collection of judgments. (Ulery, Hills 27; Villeneuve, Hills 18: Executive Departments and Administration)

**HB 574-FN-L**, relative to preservation of electronic voting machine data. (Harvey, Hills 21; Hall, Hills 5; Pierce, Graf 9: Election Law)

**HB 576-FN-A**, increasing certain fish and game nonresident license or permit fees. (L'Heureux, Hills 19; D. Smith, Hills 22; Reed, Merr 2; Fletcher, Hills 7; Gallus, Dist 1; Roberge, Dist 9: Fish and Game)

**HB 577-FN**, establishing the number of associate justices of the superior court. (D. Cote, Hills 23; Dokmo, Hills 6; Foster, Dist 13: Judiciary)

**HB 578-FN**, providing a definition of an adequate education and establishing an adequacy board. (Hutchinson, Rock 3: Education)

**HCR 5**, endorsing the National Health Insurance Act. (McEachern, Rock 16; Serlin, Rock 16; Splaine, Rock 16: State-Federal Relations and Veterans Affairs)

**HCR 6**, urging Congress to prevent the implementation of the North American Free Trade Agreement superhighway system. (D. Smith, Hills 22; L. Christiansen, Hills 27; Weyler, Rock 8; Nowe, Rock 9; Kenney, Dist 3; Fuller Clark, Dist 24: State-Federal Relations and Veterans Affairs)

**CACR 14**, Relating to cherishing public schools. Providing that state aid to public schools cannot decrease unless the number of students decreases. (Stiles, Rock 15: Education)

## RECESS

(Rep. Wallner in the Chair)

## RESOLUTION

Rep. Espieffs offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 579 through 599, 601 through 624, 626 through 632, 634 through 639 and House Joint Resolution number 1 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees. Adopted.

## INTRODUCTION OF HOUSE BILLS AND HJR

### First, second reading and referral

**HB 579-FN-A**, establishing a health care fund, continually appropriating a special fund, and requiring certain employers to report certain information to the department of health and human services. (Weed, Ches 3: Commerce)

**HB 580-FN**, relative to certain accidental disability retirement allowances payable to surviving spouses of retired members. (Knox, Carr 4; Stevens, Carr 4; Buxton, Rock 10; Kenney, Dist 3: Executive Departments and Administration)

**HB 581-FN**, relative to the penalty for purposely mistreating service dogs. (Parkhurst, Ches 4; Roberge, Dist 9; Cilley, Dist 6: Criminal Justice and Public Safety)

**HB 582-FN-A**, relative to the bridge over the Merrimack River. (L. Ober, Hills 27; Jasper, Hills 27; Haefner, Hills 27; R. Ober, Hills 27; Renzullo, Hills 27: Public Works and Highways)

**HB 583-FN**, relative to funding for HIV/AIDS services. (Schulze, Hills 26; Rosenwald, Hills 22; MacKay, Merr 11; Velez, Hills 12; D. Smith, Hills 22; Estabrook, Dist 21: Finance)

**HB 584-FN**, raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age. (Walz, Merr 13: Criminal Justice and Public Safety)

**HB 585-FN**, assessing a fee on all dogs and cats sold at retail that are not sexually sterilized, to be deposited in the companion animal neutering fund. (Davis, Merr 7; S. Kelly, Merr 7; Greco, Merr 7; Barnes, Dist 17; Roberge, Dist 9: Environment and Agriculture)

**HB 586-FN**, imposing an enhanced penalty for sexual assaults by persons in a position of authority. (O'Neil, Hills 19; John Kelley, Hills 26; Barry, Hills 19; Ingersoll, Coos 4; C. Christensen, Hills 19: Criminal Justice and Public Safety)

**HB 587-FN**, relative to the duties of probation and parole officers. (Pantelakos, Rock 16; Welch, Rock 8; Tholl, Coos 2; Charron, Rock 7; Stevens, Carr 4: Criminal Justice and Public Safety)

**HB 588-FN-L**, relative to Cates Hill Road and Jericho Lake Road in the city of Berlin. (Mears, Coos 4; Ingersoll, Coos 4; Theberge, Coos 4; Gallus, Dist 1: Public Works and Highways)

**HB 589-FN**, relative to the calculation of concurrent and consecutive terms of imprisonment. (L. Hammond, Graf 11; Charron, Rock 7: Criminal Justice and Public Safety)

**HB 590-FN**, changing the state migratory waterfowl stamp into a license issued by the fish and game department. (M. Clark, Hills 18; D. Smith, Hills 22: Fish and Game)

**HB 591-FN**, relative to an affirmative defense to certain felonious sexual assault offenses. (L. Hammond, Graf 11; Fontas, Hills 24; Charron, Rock 7: Criminal Justice and Public Safety)

**HB 592-FN**, relative to tolls on the Everett Turnpike. (C. Christensen, Hills 19; Hinkle, Hills 19; Barry, Hills 19: Public Works and Highways)

**HB 593-FN**, relative to penalties for violations of licensing requirements for certain regulated professions. (Hunt, Ches 7: Executive Departments and Administration)

**HB 594-FN**, granting group II retirement system status to certain positions in the department of corrections. (Matthew Quandt, Rock 13; Marshall Quandt, Rock 13; DeChane, Straf 3: Executive Departments and Administration)

**HB 595-FN**, establishing a sentence reduction method for state prisoners. (L. Hammond, Graf 11; Jennifer Brown, Straf 5; Charron, Rock 7; Burling, Dist 5: Criminal Justice and Public Safety)

**HB 596-FN**, relative to a retirement system calculation exemption for certain retired teachers of the Concord school district. (DeJoie, Merr 11; Bouchard, Merr 11; MacKay, Merr 11; R. Williams, Merr 11: Executive Departments and Administration)

**HB 597-FN**, relative to expenditure caps for institutional health facilities under the certificate of need law. (MacKay, Merr 11: Health, Human Services and Elderly Affairs)

**HB 598-FN-A**, repealing certain foreign dividend deductions under the business profits tax and repealing an exemption to the real estate transfer tax. (Major, Rock 8; Hamm, Merr 4: Ways and Means)

**HB 599-FN**, requiring restaurant operators to produce a meals and rentals license in order to obtain a liquor license and establishing an annual renewal fee for meals and rentals licenses and a penalty for failure to renew such licenses. (Major, Rock 8; Hamm, Merr 4: Commerce)

**HB 601-FN-A-L**, transferring the portion of special education costs directly related to health issues to the department of health and human services. (Mulholland, Graf 10: Education)

**HB 602-FN**, relative to child support enforcement. (Wallner, Merr 12: Children and Family Law)

**HB 603-FN**, establishing a task force on mental health costs and requiring the commissioner of the department of corrections to enroll any person being released from a correctional facility in any available free or reduced cost drug program. (Wendelboe, Belk 1; Bleyler, Graf 9; Bettencourt, Rock 4: Health, Human Services and Elderly Affairs)

**HB 604-FN**, prohibiting the taking of deer from baited areas. (Lasky, Hills 26; Solomon, Graf 10; Roberge, Dist 9: Fish and Game)

**HB 605**, relative to employment eligibility verification by employers. (Ulery, Hills 27; Crane, Hills 21; Renzullo, Hills 27: Labor, Industrial and Rehabilitative Services)

**HB 606-FN**, relative to the minimum age for purchasing, possessing, or using tobacco products. (T. Robertson, Ches 3: Commerce)

**HB 607-FN**, relative to the death penalty. (Splaine, Rock 16; Morrison, Belk 2; Pilliod, Belk 5; DiFruscia, Rock 4; McEachern, Rock 16: Criminal Justice and Public Safety)

**HB 608-FN**, relative to the number of ballots furnished by the secretary of state for a state general election. (Manney, Hills 7: Election Law)

**HB 609-FN**, relative to disclosure of campaign contributions in local elections. (Casey, Rock 11: Election Law)

**HB 610-FN-A**, requiring the criminal justice and public safety committee to review motor vehicle fines and extending the effective date for certain motor vehicle fine reductions. (Almy, Graf 11; Welch, Rock 8; L. Hammond, Graf 11: Criminal Justice and Public Safety)

- HB 611**, relative to payment of wages by automated pay card. (Wheeler, Merr 6; Holden, Hills 7: Labor, Industrial and Rehabilitative Services)
- HB 612-FN**, relative to coercion of abortion on a minor. (Dumaine, Rock 3; Itse, Rock 9; N. Elliott, Hills 19: Judiciary)
- HB 613-FN**, relative to payment for tobacco products purchased by retailers. (Hawkins, Hills 18; Graham, Hills 18; Roberge, Dist 9: Ways and Means)
- HB 614-FN**, relative to eminent domain. (Villeneuve, Hills 18; Itse, Rock 9; Lund, Rock 5; Ulery, Hills 27; Manney, Hills 7; Roberge, Dist 9: Judiciary)
- HB 615-FN**, relative to the locations of the superior courts, district courts, and the judicial branch family division. (Emerson, Ches 7; Patten, Carr 4; Pilliod, Belk 5; Carolyn Brown, Carr 1: Judiciary)
- HB 616-FN-L**, exempting certain persons age 65 and older from 25 percent of the state and local education portion of property taxes. (Nowe, Rock 9; Forsing, Rock 2; Letourneau, Dist 19: Municipal and County Government)
- HB 617-FN-L**, establishing a property tax relief program and fund and making an appropriation therefor. (Kurk, Hills 7; Rowe, Hills 6: Municipal and County Government)
- HB 618-FN-A**, establishing a research and development credit against the business profits tax and the business enterprise tax. (Hinkle, Hills 19; Carson, Rock 3; Stepanek, Hills 6: Ways and Means)
- HB 619-FN-A**, establishing an additional exemption from the interest and dividends tax for individuals who are 70 years of age or older. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Bettencourt, Rock 4; L. Ober, Hills 27; F. Sullivan, Hills 12; Clegg, Dist 14: Ways and Means)
- HB 620-FN**, repealing the statutory provisions regarding small loans, title loans, and payday loans and establishing a general statutory usury rate. (Kurk, Hills 7; Hopfgarten, Rock 5: Commerce)
- HB 621-FN**, relative to speedy trial time frames. (Burridge, Ches 3: Judiciary)
- HB 622-FN-A-L**, establishing an income tax and repealing all state and local taxes, with the exception of the tobacco tax, beginning in 2012. (Burridge, Ches 3: Ways and Means)
- HB 623-FN**, establishing a game management account in the fish and game fund and transferring certain other fish and game accounts into the game management account. (Abbott, Rock 12; Chandler, Carr 1; Henson, Rock 13; Gallus, Dist 1: Fish and Game)
- HB 624-FN**, imposing a temporary moratorium on property reassessments and statistical adjustments for all municipalities which have been reassessed at least once since 2003 and establishing a committee to study the rapidly increasing property taxes in New Hampshire. (C. Chase, Hills 2; D. Eaton, Ches 2; Kaelin, Hills 4; Pelkey, Ches 7: Municipal and County Government)
- HB 626-FN**, relative to the establishment and removal of certain toll booths. (L'Heureux, Hills 19; Phinizy, Sull 5; Weyler, Rock 8; Pilliod, Belk 5; Hutchinson, Rock 3; Roberge, Dist 9: Public Works and Highways)
- HB 627-FN**, relative to uniform main line toll rates for the New Hampshire turnpike system. (L'Heureux, Hills 19; Bergin, Hills 6; Weyler, Rock 8; Roberge, Dist 9: Public Works and Highways)
- HB 628-FN-A**, establishing the New Hampshire Rx advantage program and continually appropriating a special fund. (DeJoie, Merr 11; Bergin, Hills 6; Rosenwald, Hills 22; S. Merrick, Coos 2; Foster, Dist 13; Hassan, Dist 23; DeVries, Dist 18: Health, Human Services and Elderly Affairs)
- HB 629-FN**, relative to authorizing continued membership in the Manchester employees' contributory retirement system. (Baroody, Hills 13; Beaulieu, Hills 17: Executive Departments and Administration)
- HB 630-FN**, relative to an electronic controlled drug prescription monitoring program. (MacKay, Merr 11; Rosenwald, Hills 22; Schulze, Hills 26; Hess, Merr 9; Batula, Hills 19; Hassan, Dist 23: Health, Human Services and Elderly Affairs)
- HB 631-FN-A**, relative to the elimination of certain tolls. (O'Neil, Hills 19; Barry, Hills 19; C. Christensen, Hills 19; L'Heureux, Hills 19; Mooney, Hills 19; Roberge, Dist 9: Public Works and Highways)
- HB 632-FN**, relative to the penalty for death resulting from the trafficking of controlled drugs. (W. Knowles, Straf 6; Welch, Rock 8; Tholl, Coos 2; Movsesian, Hills 22; Forest, Hills 17; Gottesman, Dist 12; Hassan, Dist 23: Criminal Justice and Public Safety)
- HB 634-FN-A**, establishing a dropout prevention number plate. (Hilliard, Straf 2; Splaine, Rock 16: Transportation)
- HB 635-FN-A**, removing exemptions under the interest and dividends tax. (Camm, Rock 8: Ways and Means)

**HB 636-FN**, relative to physician credentialing under the managed care law. (McLeod, Graf 2; Nordgren, Graf 9; DeStefano, Merr 13; Pantelakos, Rock 16; Rosenwald, Hills 22; Odell, Dist 8: Commerce)

**HB 637-FN-A-L**, establishing a gaming oversight authority and video lottery gaming. (King, Coos 1: Ways and Means)

**HB 638-FN**, relative to lease agreements entered into by the department of transportation. (Graham, Hills 18; Chandler, Carr 1; Rausch, Rock 5; Lerandau, Ches 6: Public Works and Highways)

**HB 639**, relative to limitations on withdrawal from a cooperative school district. (Irwin, Hills 3; Spratt, Hills 3; J. Hammond, Hills 3; Peterson, Hills 3: Education)

**HJR 1**, urging that more veterans' mental health counseling centers be established in New Hampshire. (Hawkins, Hills 18; Graham, Hills 18; Major, Rock 8; J. Thomas, Belk 5; Coughlin, Hills 4; Letourneau, Dist 19; Kenney, Dist 3; Roberge, Dist 9: State-Federal Relations and Veterans Affairs)

## RECESS

### (Speaker Norelli in the Chair)

Rep. Wallner moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 4

Wednesday, January 31, 2007

The House assembled at 10:00 a.m. and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

O God, every now and then, like the first glimpse of a mountaintop sunrise or the spray from a freshly-torn grapefruit, Your presence bursts out into the most common of moments and we rub our eyes and scratch our head and marvel at just how much of You we miss seeing everyday.

O God of irrepressible newness and life, grant to us here gathered a freshly new sense of Your presence. Teach us to place our trust in that which is possible and to lead from the places of our deepest hopes. We pray for one another, regardless of position or party. Bless us in the session ahead with a sense of common purpose. And bless those among us, among our families and among the people of New Hampshire who find themselves in need of Your care this day. In Your Holy name we pray. Amen.

Rep. Dudley Dumaine, member from Auburn, led the Pledge of Allegiance.

The National Anthem was sung by Kaycee Sawyer of New Hampton, a student at Newfound Memorial Middle School in Bristol.

### LEAVES OF ABSENCE

Reps. Drisko, Forsing, Haefner, Houde, Stephen Johnson, Jane Kelley, John Kelley, King and Mesa the day, illness.

Reps. Abbott, Hall, Hilliard, Howard, Introne, Mickelonis, Nagle, Nowe, O'Brien, Priestley, Deanna Rollo and Marjorie Smith, the day, important business.

Reps. Emiro and L'Heureux, the day, illness in the family.

### INTRODUCTION OF GUESTS

Richard and Janet Heitmiller, guests of Rep. Mooney. Nathaniel and Laurie Sawyer, parents of the singer, guests of the House. Beatrice Jillette, wife of Rep. Jillette.

Sara Moe, Winnacunnet High School student, Page for the Day.

### COMMUNICATION

January 4, 2007

Karen Wadsworth

Clerk of the NH House of Representatives

State House

Concord, N.H. 03301

Dear Karen:

The following representatives-elect were sworn into office by the Governor and Executive Council on this day:

**Cheshire County District 3**, Kris E. Roberts, d, Keene (58 Grove Street) 03431

**Hillsborough County District 12**, Francis Sullivan, d, Manchester (14 Watson Street) 03103

**Hillsborough County District 18**, Edward P. Moran, r, Bedford (19 Ministerial Road) 03110

**Rockingham County District 9**, C. Pennington Brown, d, Epping (153 Old Hedding Road #40) 03042

**Strafford County District 3**, Kay Oppenheimer, d, Strafford (88 Province Road) 03884

Sincerely,

Karen Ladd, Assistant Secretary of State

### COMMUNICATION

January 4, 2007

To Whom It May Concern:

I, Catherine Hackett, currently a member of the New Hampshire General Court representing Hillsborough County District 9, am writing today to inform you that I have just recently moved

from my residence to another residence which is located in Manchester Ward 6. Therefore, in accordance with New Hampshire law, I am formally submitting to you my resignation from the New Hampshire House of Representatives.

On a personal note, I want to express my deep disappointment to Speaker Norelli, Majority Leader Wallner, Clerk Wadsworth, and all of the distinguished members of the New Hampshire House. While I was not able to fulfill the promise I made to my constituents, I look forward to staying actively involved in both state and local government. If it were not for a pressing family issue which required that I move, I would have been honored and privileged to serve the people of New Hampshire in the General Court.

Respectfully,  
Rep. Catherine Hackett  
Hillsborough District 9

The Speaker accepted the resignation.

## RESOLUTION

Rep. Wallner offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 640 through 649, 651 through 667, 669 through 674 and 676 through 691 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 640-FN**, relative to requiring reimbursement of search and rescue costs of the fish and game department. (Weyler, Rock 8; L'Heureux, Hills 19; Nowe, Rock 9; M. Smith, Straf 7; Foster, Hills 4: Fish and Game)

**HB 641-FN**, relative to automatic credentialing for health care providers. (Splaine, Rock 16; Pantelakos, Rock 16; McEachern, Rock 16; Serlin, Rock 16; Powers, Rock 16: Commerce)

**HB 642-FN**, relative to educational accountability programs. (Carson, Rock 3; Ingbretonson, Graf 5; L. Ober, Hills 27: Education)

**HB 643-FN**, relative to the distribution of tobacco settlement funds. (Grassie, Straf 1; Hilliard, Straf 2; W. Chase, Ches 1: Finance)

**HB 644-FN**, relative to differential pay of direct care employees at state institutions. (Wheeler, Merr 6; Morrison, Belk 2: Health, Human Services and Elderly Affairs)

**HB 645-FN-L**, requiring notice to the public of a change in land use subject to the assessment of the land use change tax. (Knox, Carr 4: Municipal and County Government)

**HB 646-FN-L**, establishing a fee for copies of police and fire reports. (Ulery, Hills 27: Municipal and County Government)

**HB 647**, relative to indicating citizenship on drivers' licenses and nondrivers' identification cards. (Lund, Rock 5; Hopfgarten, Rock 5; Villeneuve, Hills 18; Hinkle, Hills 19: Transportation)

**HB 648**, establishing a commission to develop a comprehensive flood management plan. (Hinkle, Hills 19; Emerton, Hills 7; Manney, Hills 7; Mack, Hills 1: Resources, Recreation and Development)

**HB 649**, relative to the disposition of real estate given, devised, or bequeathed to a town for charitable or community purposes. (Lund, Rock 5; Hopfgarten, Rock 5: Municipal and County Government)

**HB 651-L**, extending the school building aid grant program to cover kindergarten construction costs. (Gould, Rock 5; M. Smith, Straf 7: Education)

**HB 652-FN**, relative to the collection of debts owed to the state. (Hawkins, Hills 18; Mooney, Hills 19; Hinkle, Hills 19; Bergin, Hills 6; L'Heureux, Hills 19; Roberge, Dist 9; Kenney, Dist 3: Executive Departments and Administration)

**HB 653**, relative to the membership of the New Hampshire retirement system board of trustees. (Hawkins, Hills 18; Price, Hills 26: Executive Departments and Administration)

**HB 654-FN**, prohibiting offenders against children from attending certain activities or events. (Crane, Hills 21; Mooney, Hills 19; J. Tilton, Merr 6; Kenney, Dist 3: Criminal Justice and Public Safety)

**HB 655-FN**, relative to unborn victims of violence. (Mooney, Hills 19; Rowe, Hills 6; Manney, Hills 7; Kappler, Rock 2; Wendelboe, Belk 1; Roberge, Dist 9; Barnes, Dist 17; Letourneau, Dist 19; Kenney, Dist 3: Criminal Justice and Public Safety)

**HB 656-FN**, relative to the issuance of identification cards to individuals who lack the ability to obtain a nondriver's picture identification card. (D. Smith, Hills 22; Almy, Graf 11; L'Heureux, Hills 19; Velez, Hills 12; Sgambati, Dist 4: Transportation)

**HB 657**, authorizing the executive director of fish and game to issue moose hunting adventure permits. (L'Heureux, Hills 19; Greco, Merr 7; Fletcher, Hills 7; Nowe, Rock 9; Stohl, Coos 1; Gallus, Dist 1: Fish and Game)

**HB 658**, prohibiting the taking of game by use of a tranquilizer. (L'Heureux, Hills 19; Greco, Merr 7; Nowe, Rock 9; D. Smith, Hills 22; Roberge, Dist 9; Gallus, Dist 1; Barnes, Dist 17: Fish and Game)

**HB 659-FN**, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements. (Greco, Merr 7; Perry, Straf 3; L'Heureux, Hills 19; Barnes, Dist 17; Gatsas, Dist 16; Odell, Dist 8: Transportation)

**HB 660-FN**, relative to an assistant state veterinarian. (Wells, Rock 8; Phinizy, Sull 5: Environment and Agriculture)

**HB 661-FN-A**, establishing an executive planning commission on special education. (Stiles, Rock 15; Claire Clarke, Merr 6; Jillette, Sull 2; Casey, Rock 11; Hassan, Dist 23: Education)

**HB 662-FN-A-L**, exempting vehicles adapted for use by persons with disabilities from motor vehicle registration fees. (Martin, Carr 5; Knox, Carr 4; Hatch, Coos 3; DeVries, Dist 18: Municipal and County Government)

**HB 663-FN-A**, making an appropriation to implement the comprehensive shoreland protection act. (Spang, Straf 7; Foose, Merr 1: Resources, Recreation and Development)

**HB 664-FN**, relative to annual dam registration and permit application fees. (Brueggemann, Merr 12; Davis, Merr 7; Hamm, Merr 4; Parkhurst, Ches 4; Burling, Dist 5: Resources, Recreation and Development)

**HB 665-FN**, relative to the comprehensive shoreland protection act. (Spang, Straf 7; Weed, Ches 3; Foose, Merr 1; Fuller Clark, Dist 24; DeVries, Dist 18: Resources, Recreation and Development)

**HB 666-FN**, establishing a license fee for the sale of animal vaccines. (O'Connell, Hills 6; Beaulieu, Hills 17: Environment and Agriculture)

**HB 667-FN-A**, making an appropriation for the purposes of the catastrophic illness program. (Bergin, Hills 6; Dokmo, Hills 6; Leishman, Hills 6: Finance)

**HB 669-FN-A-L**, relative to kindergarten aid and kindergarten construction aid. (C. Christensen, Hills 19; Wells, Rock 8; Hinkle, Hills 19; Batula, Hills 19; Emerton, Hills 7; Letourneau, Dist 19: Education)

**HB 670**, relative to repealing the incorporation of the New Hampshire Bar Association. (L. Christiansen, Hills 27: Judiciary)

**HB 671**, relative to certain data used for workers' compensation rates. (DiFruscia, Rock 4; Holden, Hills 7; Bishop, Rock 2: Labor, Industrial and Rehabilitative Services)

**HB 672**, establishing a commission to study requirements for safe and secure landfills. (Hamm, Merr 4; Lockwood, Merr 6; Millham, Belk 5; Fuller Clark, Dist 24; Janeway, Dist 7: Environment and Agriculture)

**HB 673**, allowing advanced registered nurse practitioners to certify walking disabilities. (Harding, Graf 11; Manney, Hills 7; Skinder, Sull 1; Millham, Belk 5; Sgambati, Dist 4: Executive Departments and Administration)

**HB 674**, extending the veterans' property tax credit to all honorably discharged veterans. (Lawrence, Hills 27; Goyette, Hills 27; Bergeron, Hills 27; P. Katsakiores, Rock 5; Ulery, Hills 27: Municipal and County Government)

**HB 676**, relative to interest on deposits required under gasoline franchise agreements. (Greco, Merr 7; Davis, Merr 7; Reed, Merr 2; L'Heureux, Hills 19: Commerce)

**HB 677-FN**, relative to special education procedural safeguards and the dispute resolution process. (Stiles, Rock 15; Claire Clarke, Merr 6; Jillette, Sull 2; Casey, Rock 11; Itse, Rock 9; Hassan, Dist 23: Education)

**HB 678-FN**, revising the special education program approval and monitoring process. (Stiles, Rock 15; Claire Clarke, Merr 6; Jillette, Sull 2; Casey, Rock 11; Itse, Rock 9; Hassan, Dist 23: Education)

**HB 679-FN-L**, relative to delivery of special education services. (Stiles, Rock 15; Claire Clarke, Merr 6; Jillette, Sull 2; Casey, Rock 11; Itse, Rock 9; Hassan, Dist 23: Education)

**HB 680**, allowing municipalities to determine the hours for the Saturday session for correction of the checklist. (G. Katsakiores, Rock 5; P. Katsakiores, Rock 5; Nowe, Rock 9; Rausch, Rock 5; Letourneau, Dist 19: Municipal and County Government)

**HB 681-FN-A**, relative to full cent gas pricing and road tolls. (Benn, Graf 9; Cloutier, Sull 4; Waterhouse, Rock 4; Almy, Graf 11; Fuller Clark, Dist 24: Public Works and Highways)

**HB 682**, relative to the court's authority to award parental rights and responsibilities to a "psychological parent." (Lawrence, Hills 27: Children and Family Law)

**HB 683**, relative to nominations by party committees. (D. Cote, Hills 23; C. Chase, Hills 2; Gorman, Hills 23: Election Law)

**HB 684**, establishing a rest area and state liquor store retail opportunities commission. (Crane, Hills 21; Mooney, Hills 19; Nowe, Rock 9; Baldasaro, Rock 3; Buxton, Rock 10; Kenney, Dist 3: Public Works and Highways)

**HB 685**, prohibiting New Hampshire from participating in a national identification card system. (Kurk, Hills 7; Phinzy, Sull 5; Winters, Hills 17; L. Christiansen, Hills 27; Almy, Graf 11; Burling, Dist 5: Transportation)

**HB 686-FN**, relative to the regulation of tracking devices. (Kurk, Hills 7; M. Smith, Straf 7: Commerce)

**HB 687**, requiring the redistricting of the house of representatives for the 2008 elections. (Kurk, Hills 7; Hunter, Hills 7; Manney, Hills 7; Itse, Rock 9: Election Law)

**HB 688**, establishing the council on the relationship between public health and the environment. (French, Merr 5; Pilliod, Belk 5; Miller, Straf 7; Fuller Clark, Dist 24: Health, Human Services and Elderly Affairs)

**HB 689**, establishing a commission to study production and distribution of biodiesel fuel in New Hampshire. (Borden, Rock 18; Almy, Graf 11; Essex, Hills 1; Harvey, Hills 21; Fuller Clark, Dist 24; Janeway, Dist 7: Science, Technology and Energy)

**HB 690**, relative to job skill training in volunteer work by unemployed individuals. (Jane Kelley, Rock 15: Labor, Industrial and Rehabilitative Services)

**HB 691**, excluding the value of a view from property tax assessments on working farms. (Kurk, Hills 7; Kaelin, Hills 4; Spaulding, Hills 18: Municipal and County Government)

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Wallner moved that the Consent Calendar as printed in the day's House Record be adopted.

**HB 87**, relative to the exceptions to compulsory school attendance, removed by Rep. Sorg.  
Consent Calendar adopted.

**HB 33**, relative to the compensation of members of the county convention. **OUGHT TO PASS.**  
Rep. Andy R. Peterson for Municipal and County Government: This bill repeals an outdated provision in the mileage reimbursement for participation by delegates in county conventions and was unanimously seen as an appropriate update to the statutes. Vote 19-0.

**HB 70**, including nonresident property owners who are veterans and at least 65 years of age in the persons qualified to receive the veterans' property tax credit. **INEXPEDIENT TO LEGISLATE.**  
Rep. Eric G. Stohl for Municipal and County Government: The purpose of this bill is to allow nonresident property owners who are at least 65 years of age and have owned their property for at least 25 consecutive years to become qualified to receive the veteran's property tax credit in this state. This bill fails to restrict the credit qualifications to one municipality and does not provide a definition of "nonresident." This term could refer to someone from another town within the state, not necessarily from another state. There wasn't any reference to reciprocity in the bill for residents of New Hampshire to receive the same benefits in other states for the granting of the credit in this state. The committee unanimously agreed that passing this bill would shift additional tax burden onto other taxpayers within the municipality unfairly. Vote 18-0.

### REGULAR CALENDAR

**HB 53**, relative to school health personnel. **OUGHT TO PASS.**

Rep. Charles B. Yeaton for Education: The bill clarifies the language of the current education statute relative to school nurses consistent with the Nurse Practice Act. The bill removes the word "direct" from the education statute and simply refers to the word "supervision." There is no longer a definition of the word "direct" in the Nurse Practice Act. Vote 12-2.

Committee report adopted and ordered to third reading.

**HB 39**, repealing the penalty provision in discretionary preservation easements. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Andy R. Peterson for the Majority of Municipal and County Government: The majority of the committee voted in favor of this bill which removes the option for communities to impose up to a 10% penalty upon the expiration of discretionary preservation easements. These easements of 10 or more years duration are designed to provide a reduced assessment, negotiated between 25% or 75% of full valuation, with the community or an individual basis for the purpose of preserving and maintaining historic barn structures. The change will remove a troublesome “catch-22” in the current law which testimony revealed has depressed interest of otherwise willing historic barn owners to participate in this program, in which approximately 260 parties statewide have participated since the original bill was passed in 2002. The ability of communities to levy penalties for early withdrawal or breach of the preservation agreement, including failure to upkeep the property, would however remain in effect. In order to increase the power of this tool to retain an important part of our history and preserve structures which beautify our state, the majority agrees with the NH Preservation Alliance and the NH Director of Historical Resources and others who appeared before us that the bill be made law. Vote 11-8.

Rep. Betsey L. Patten for the Minority of Municipal and County Government: A discretionary preservation easement is entitled to a partial exemption from property taxes during the life of the easement. For a public benefit a private benefit is given. The taxpayer is granted a reduction of the assessed value on the preserved building and the land supporting that building within a range of 25 to 75 percent of the fair market value for a period no less than ten years. This lowers the tax burden on the easement holder by shifting the cost to the rest of the taxpayers in the municipality. The governing body of a town and an individual easement holder may negotiate the terms of the easement including an option of a payment not to exceed 10 percent of the fair market value prior to the town accepting the easement. Currently when the easement runs out both parties are able to negotiate for either renewal or expiration. If either event happens the municipality is entitled to recoup the agreed upon amount. The discretionary easement statute RSA 79-D has only been in effect for four years. Consequently we have no history of non renewals making the repeal premature. Removing this payment is renegeing on a sworn duty made by the governing body to watch over and protect the community assets. Is it fair that one taxpayer gets a tax benefit while the rest of the community pays for that benefit without even having an opportunity to vote on the granting of easements? The minority feels that repealing this payment would cause an increase in property taxes at the local level. Is this the intent of RSA 79-D? The minority does not believe so. The minority also agrees with the New Hampshire Municipal Association, who on behalf of New Hampshire cities and towns, testified in opposition to this repeal.

Rep. Stohl spoke against.

Rep. Patten spoke against and yielded to questions.

Reps. Peterson and Theberge spoke in favor and yielded to questions.

Rep. Kurk requested a roll call; sufficiently seconded.

**YEAS 208 NAYS 154**

**YEAS 208**

**BELKNAP**

Arsenault, Beth

Morrison, Gail

Reever, Judith

Wood, Jane

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Chase, William  
Mitchell, Bonnie  
Sad, Tara

Burridge, Delmar  
Dunn, J. Timothy  
Parkhurst, Henry  
Weber, Lucy

Butcher, Suzanne  
Eaton, Daniel  
Richardson, Barbara  
Weed, Charles

Butterworth, Timothy  
Loll, Thomas  
Robertson, Timothy

**COOS**

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

**GRAFTON**

Aguiar, James  
Estes, Carole  
Laliberte, Suzanne  
Mulholland, Catherine

Almy, Susan  
Friedrich, Carol  
Lovett, Sid  
Pierce, David

Benn, Bernard  
Hammond, Lee  
Matheson, Robert  
Preston, Philip

Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Cote, David  
Essex, David  
Foster, Linda  
Gorman, Mary  
Harvey, Suzanne  
Jean, Claudette  
Knowles, Mary Ann  
Levesque, Melanie  
Marshall, Seth  
Movsesian, Lori  
Reuschel, Michael  
Shaw, Kimberly  
Sullivan, Francis

Beaulieu, Jane  
Campbell, David  
Cote, Peter  
Farley, Michael  
Garrity, Patrick  
Hackel, Paul  
Hebert, Roger  
Judy, Jean  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
O'Neil, James  
Rosenwald, Cindy  
Spaulding, Jayne  
Sysyn, Mary

Beck, Catriona  
Chase, Claudia  
Daler, Jennifer  
Fontas, Jeffrey  
Ginsburg, Ruth  
Haley, Robert  
Holden, Randolph  
Kaelin, Michael  
Leishman, Peter  
Long, Patrick  
Matarazzo, Anthony Sr  
Peterson, Andy  
Schulze, Joan  
Spratt, Stephen  
Velez, Hector

Bergin, Peter  
Clemons, Jane  
Edwards, Andrew  
Forest, Armand  
Goley, Jeffrey  
Hammond, Jill  
Irwin, Anne-Marie  
Knowles, John  
Levasseur, Nickolas  
Mack, Ron  
McRae, Karen  
Pilote, Maurice  
Shaw, Barbara  
Sullivan, Daniel

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Beauchesne, Suzanne  
Brueggemann, Donald  
Ehlers, Eileen  
Greco, Vincent  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Blanchard, Elizabeth  
Clarke, Claire  
Foose, Robert  
Kelly, Sally  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Bouchard, Candace  
Davis, Frank  
French, Barbara  
Kidder, David  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

**ROCKINGHAM**

Borden, David  
Casey, Kimberley  
Henson, John  
Lister, Charlotte  
McGuirk, Thomas  
Nord, Susi  
Robertson, Carl  
Splaine, James

Brown, C. Pennington  
Day, Judith  
Hutchinson, Karen  
Marsh, Michael  
McKenna, Daniel  
O'Keefe, Peter  
Russell, Trink

Buxton, Donald  
Flockhart, Eileen  
Kennedy, James  
McCarthy, Linda  
Moody, Marcia  
Pantelakos, Laura  
Serlin, Christopher

Cali-Pitts, Jacqueline  
Grote, Otto  
Kepner, Susan  
McEachern, Paul  
Moore, Bennett  
Powers, James  
Snow, Richard

**STRAFFORD**

Berube, Roger  
Brown, Julie  
DeChane, Marlene  
Hofemann, Roland  
Knowles, William  
Rous, Emma  
Vachon, Dennis

Billian, Deborah  
Brown, Larry  
Domingo, Baldwin  
Hubbard, Pamela  
Miller, Joseph  
Schmidt, Peter  
Wall, Janet

Brennan, William  
Burke, Rachel  
Fargo, Thomas  
Hutz, Sarah  
Perry, Robert  
Spang, Judith  
Warren, Nancy

Brown, Jennifer  
Cyr, James  
Grassie, Anne  
Kaen, Naida  
Rollo, Michael  
Sprague, Dale  
Watson, Robert

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Phinizz, James

Converse, Larry  
Gottling, Suzanne  
Skinder, Carla

Donovan, Thomas  
Jillette, Arthur Jr

Franklin, Peter  
Nielsen, Ellen

**NAYS 154****BELKNAP**

Allen, Janet  
Heald, Bruce  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Millham, Alida  
Thomas, John  
Whalley, Michael

Clark, Charles  
Nedeau, Stephen  
Tilton, Franklin

Flanders, Donald  
Pilliod, James  
Tobin, William

**CARROLL**

Ahlgren, Christopher  
Martin, James

Brown, Carolyn  
Morrow, Harry

Chandler, Gene  
Patten, Betsey

Denley, William  
Stevens, Stanley

**CHESHIRE**

Butynski, William  
Johnson, Jane  
Roberts, Kris

Emerson, Susan  
Lerandeau, Alfred

Espiefs, Peter  
Pelkey, Stephen

Hunt, John  
Plifka, Stanley Jr

**COOS**

Remick, William

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Andersen, Gene  
Gionet, Edmond

Bleyler, Ruth  
Ingbretson, Paul

Bulis, Lyle  
Sorg, Gregory

Eaton, Stephanie  
Williams, Burton

**HILLSBOROUGH**

Barry, Richard  
Christiansen, Lars  
Day, Russell  
Fletcher, Richard  
Hawkins, Ken  
Infantine, William  
Lawrence, James  
Mooney, Maureen  
Ober, Russell III  
Rochette, Eric  
Smith, David  
Ulery, Jordan

Batula, Peter  
Coughlin, Pamela  
Dokmo, Cynthia  
Francoeur, Bea  
Hinkle, Peyton  
Jasper, Shawn  
Lessard, Rudy  
Moran, Edward  
Price, Pamela  
Rowe, Robert  
Soucy, Connie  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Crane, Elenore Casey  
Elliott, Nancy  
Gargas, Carolyn  
Hogan, Edith  
Kopka, Angeline  
Manney, Pamela  
O'Connell, Timothy  
Reeves, Sandra  
Shattuck, Gilman  
Stepanek, Stephen  
Villeneuve, Maurice

Christensen, Chris  
Daniels, Gary  
Emerton, Larry  
Graham, John  
Hunter, Bruce  
Kurk, Neal  
Messier, Irene  
Ober, Lynne  
Renzullo, Andrew  
Simon, Anthony  
Tahir, Saghir  
Winters, Joel

**MERRIMACK**

Anderson, Eric  
Hess, David  
Oliver, James

DeJoie, John  
Humphries, Charlie  
Reed, Dennis

Hager, Elizabeth  
Lockwood, Priscilla

Hamm, Christine  
MacKay, James

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Charron, Gene  
Dumaine, Dudley  
Garcia, Marilinda  
Griffin, Mary  
Ingram, Russell  
Katsakiores, George  
McKinney, Betsy  
Pearson, Mark  
Rausch, James  
Waterhouse, Kevin  
Weyler, Kenneth

Baldasaro, Alfred  
Camm, Kevin  
Dalrymple, David  
Elliott, Robert  
Garrity, James  
Guthrie, Joseph  
Itse, Daniel  
Katsakiores, Phyllis  
McMahon, Charles  
Preston, Mark  
Reagan, John  
Weare, Everett  
Wickson, Rick

Bedrick, Jason  
Carson, Sharon  
Devine, James  
Fesh, Bob  
Gleason, John  
Headd, James  
Johnson, Robert  
Lund, Howie  
Moore, Benjamin  
Quandt, Marshall  
Sanders, Elisabeth  
Welch, David  
Winchell, George

Belanger, Ronald  
Case, Frank  
DiFruscia, Anthony  
Flanders, John Sr  
Gould, Kenneth  
Hopfgarten, Paul  
Kappler, Lawrence  
Major, Norman  
Packard, Sherman  
Quandt, Matthew  
Stiles, Nancy  
Wells, Roger

**STRAFFORD**

Goodwin, Earle

## SULLIVAN

Ferland, Brenda                      Rodeschin, Beverly  
and the majority committee report was adopted.  
Ordered to third reading.

## BILL REMOVED FROM CONSENT CALENDAR

**HB 87**, relative to the exceptions to compulsory school attendance. **OUGHT TO PASS.**

Rep. Kimberley S. Casey for Education: This bill clarifies language with regard to compulsory attendance and out of state placement in approved schools. Vote 14-0.

Rep. Sorg spoke against.

Rep. Dunn spoke in favor and yielded to questions.

Committee report adopted and ordered to third reading.

## RESOLUTION

Reps. Wallner and Whalley offered the following: **RESOLVED**, that the House adopt amendments to House Rules 30 and 64.

## AMENDMENT TO HOUSE RULES

Amend House Rule 30 to read as follows:

30. The following standing policy committees shall be appointed at the commencement of any session and will consist of not more than 24 members, *with the exception of the House Finance Committee, which will have 25 members*: Children and Family Law; Commerce; Criminal Justice and Public Safety; Education; Election Law; Environment and Agriculture; Executive Departments and Administration; Finance; Fish and Game; Health, Human Services and Elderly Affairs; Judiciary; Labor, Industrial and Rehabilitative Services; Legislative Administration; Municipal and County Government; Public Works and Highways; Resources, Recreation and Development; Rules; Science, Technology and Energy; State-Federal Relations and Veterans Affairs; Transportation and Ways and Means.

Amend House Rule 64 by adding the following:

Wednesday, January 31, 2007	Last day to introduce House bills
Thursday, February 22, 2007, noon	Last day to amend House Rules by majority vote
Wednesday, March 7, 2007	Last day to report House bills going to a second committee
Thursday, March 22, 2007, noon	Last day to act on House bills going to a second committee
Wednesday, March 28, 2007	Last day to report all House bills not in a second committee, except budgets
Thursday, April 5, 2007, noon	Last day to act on all House bills not in a second committee, except budgets
Thursday, April 12, 2007	Last day to report all remaining House bills for action in the first year session
Thursday, May 10, 2007, noon	Last day to report list of retained House bills
Wednesday, May 16, 2007	Last day to act on House bills: CROSSOVER
Thursday, May 31, 2007, noon	Last day to report Senate bills going to a second committee
Wednesday, June 6, 2007	Last day to act on Senate bills going to a second committee
Wednesday, June 13, 2007	Last day to report all remaining Senate bills for action in the first year session
Thursday, June 21, 2007, noon	Last day to report list of retained Senate bills
Wednesday, June 27, 2007	Last day to act on Senate bills
	Last day to form Committees of Conference
	Last day to sign Committee of Conference reports
	Last day to act on Committee of Conference reports

Reps. Wallner and Whalley spoke in favor.  
Adopted.



### RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 15, 2007 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 33**, relative to the compensation of members of the county convention.

**HB 53**, relative to school health personnel.

**HB 39**, repealing the penalty provision in discretionary preservation easements.

**HB 87**, relative to the exceptions to compulsory school attendance.

### PERSONAL PRIVILEGE

Rep. Larry Brown addressed the House.

### UNANIMOUS CONSENT

Rep. Bettencourt addressed the House.

### MOTION TO PRINT REMARKS

Rep. Rollo moved that the remarks made by Rep. Bettencourt be printed in the Permanent Journal.  
Adopted.

### REMARKS

**Rep. Bettencourt:** Thank you, Madam Speaker. Honorable Members of the General Court, it is earnestly regrettable that I must rise this afternoon to begin this new term on a sad note. This past October, the Salem community and the State of New Hampshire lost another of its finest citizens; we lost another one of our heroes.

On October 6, 2006, Nicholas Arvanitis, of the U.S. Army's 3<sup>rd</sup> Brigade, 82<sup>nd</sup> Airborne Division was killed by small arms gunfire while on a mission near Bayji, Iraq. He was 22 years old. Cpl. Arvanitis lived his entire life in Salem and graduated from Salem High School in 2003. During his time at SHS he was a member of the school's baseball and soccer teams and a prominent member of the school's championship wrestling team his senior year. He was also an accomplished guitarist, turning down a scholarship to the Berklee College of Music in Boston to enlist in the Army after the terrorist attacks of September 11. Madam Speaker, on two prior occasions I have risen before this House with the unwelcome duty to recognize and give tribute to a Salem native who has given "the last full measure of devotion." But on those prior occasions, I have had the benefit of having had no personal emotional bonds to the brave men lost. I enjoy no such benefit in this instance. For in addition to being of great courage, of great leadership, and of great altruism, Nick Arvanitis was a dear friend.

While preparing these remarks I did not need to confer with a family member or a mutual friend. I need only close my eyes and reflect. Memory at times can be a decidedly fickle mistress, but it is not so when I think of Nick. We first became friends when we attended elementary and middle school together and then had the privilege to play three years in town league baseball; in retrospect you could tell early on he was a special person. He had a personality that filled a room with warmth and energy. His convictions were strong, always firmly argued and were as straight as the columns of this hall. A story that embodies Nick's caliber of person was that he joined the Army prior to turning 18, insisting that his mother sign the consent forms. He told his grandmother, "I'm going for a good cause. I want to make you, Grampy and America safe." After serving in Afghanistan last year, he was ordered to return home this spring to become a recruiter. He refused, demanding a mission in Iraq; he lost his life two months later. He believed in freedom and sought to guard it wherever he felt it was threatened, that's simply who he was. He leaves behind his mother, Maureen, his sister Kimberly, and two sets of grandparents. May we forever be grateful for the sacrifice of Cpl. Arvanitis and all of New Hampshire's fallen heroes who have given their lives to

keep us safe and free. May we always be sure to differentiate between the political views of war and the brave men and women who take on the mission. May we hold them and their families in our hearts and our prayers. Salem and the State of New Hampshire have lost a great citizen, the Arvanitis family has lost a great son, grandson and brother and I have lost a dear friend. God Bless Cpl. Nicholas Arvanitis and the State and Country he loved. Thank you, Madam Speaker.

A moment of silence was observed in honor and memory of Cpl. Nicholas Arvanitis.

### RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purpose of introduction of bills. Adopted.

The House recessed at 11.35 a.m.

### RECESS

### COMMITTEE ASSIGNMENT CHANGES

The Speaker made the following changes to committee assignments:

Rep. Stephanie Eaton off Resources, Recreation and Development; on State-Federal Relations and Veterans Affairs.

Rep. Lawrence M. Kappler off State-Federal Relations and Veterans Affairs; on Resources, Recreation and Development.

Rep. Lynne M. Ober off Science, Technology and Energy; on Finance.

### RECESS

**(Rep. Foster in the Chair)**

### RESOLUTION

Rep. Hall offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 692 through 699, 701 through 711, 713 through 724, 726 through 749, 751 through 774, 776 through 799, 801 through 815, 817 through 824, 826 through 849, 851 through 874, 876 through 899, 901 through 903, House Concurrent Resolution number 7, House Resolution number 9 and Constitutional Amendment Concurrent Resolutions numbered 15 through 17 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS, HCR, HR AND CACRS

#### First, second reading and referral

**HB 692**, allowing municipalities to adopt a property tax exemption for industrial construction. (King, Coos 1; Stohl, Coos 1; Gallus, Dist 1: Municipal and County Government)

**HB 693-FN-A-L**, establishing a school choice certificate program. (Lund, Rock 5; Hopfgarten, Rock 5; Itse, Rock 9; Baldasaro, Rock 3: Education)

**HB 694**, establishing a commission to study the feasibility of tidal power generation under the Little Bay and General Sullivan Bridges, in Dover. (Fargo, Straf 4; Spang, Straf 7; Hofemann, Straf 6; Hutz, Straf 5: Science, Technology and Energy)

**HB 695**, relative to regulation of wireless telephone service providers for consumer protection. (McLeod, Graf 2; Kidder, Merr 1; Marshall Quandt, Rock 13; Burling, Dist 5: Commerce)

**HB 696**, reclassifying certain positions in the insurance department. (Reardon, Merr 11; McLeod, Graf 2; D. Flanders, Belk 4; Headd, Rock 3: Commerce)

**HB 697**, relative to responsible drug advertising. (DeJoie, Merr 11; Marshall Quandt, Rock 13; C. Chase, Hills 2: Commerce)

**HB 698**, relative to the policy and purpose of an adequate education. (King, Coos 1: Education)

**HB 699**, establishing a commission to study methods and costs of sewage, sludge, and septage disposal. (Beaulieu, Hills 17; S. Merrick, Coos 2; Spang, Straf 7; Marshall Quandt, Rock 13; Fuller Clark, Dist 24; Kenney, Dist 3: Environment and Agriculture)

**HB 701**, relative to the definition of a school district in the case of unincorporated towns or unorganized places. (King, Coos 1; Chandler, Carr 1: Education)

**HB 702**, relative to the court's jurisdiction over persons between the ages of 18 and 21 in abuse and neglect cases. (Gargas, Hills 5: Children and Family Law)

**HB 703**, relative to day reporting programs in the county department of corrections. (Gionet, Graf 3; L. Hammond, Graf 11; Charron, Rock 7; Harding, Graf 11; Almy, Graf 11; Gallus, Dist 1: Criminal Justice and Public Safety)

**HB 704-FN-A**, relative to the commission on the status of men and making an appropriation therefor. (Boyce, Belk 5; Bettencourt, Rock 4; Renzullo, Hills 27: Executive Departments and Administration)

**HB 705**, relative to the disposal of highway or turnpike funded real estate. (Cloutier, Sull 4; Graham, Hills 18; Chandler, Carr 1; Campbell, Hills 24: Public Works and Highways)

**HB 706**, relative to requirements for highway agents. (Skinder, Sull 1; Odell, Dist 8: Municipal and County Government)

**HB 707**, relative to the time frames for hearings in domestic violence cases. (W. Knowles, Straf 6; Tholl, Coos 2; Charron, Rock 7; Gottesman, Dist 12; Estabrook, Dist 21; Kenney, Dist 3: Criminal Justice and Public Safety)

**HB 708**, establishing a committee to study the cost effectiveness of the county jail system. (Lovett, Graf 8; Pilliod, Belk 5; Rowe, Hills 6; P. Preston, Graf 8: Criminal Justice and Public Safety)

**HB 709**, making various changes to department of revenue administration authority concerning property tax administration. (Patten, Carr 4: Municipal and County Government)

**HB 710**, establishing a commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters. (Millham, Belk 5; Cloutier, Sull 4; Benn, Graf 9; Bouchard, Merr 11; P. Preston, Graf 8; Sgambati, Dist 4; Janeway, Dist 7: Resources, Recreation and Development)

**HB 711-FN**, requiring insurance coverage for the cost of hormone treatment drugs for transsexuals. (Ginsburg, Hills 20; French, Merr 5: Commerce)

**HB 713-L**, relative to displaying gasoline and diesel fuel prices. (Essex, Hills 1: Commerce)

**HB 714-FN**, relative to motorized watercraft rental agencies. (C. Christensen, Hills 19; D. Russell, Belk 6; Millham, Belk 5; Gottesman, Dist 12; Odell, Dist 8: Transportation)

**HB 715**, combining the state heritage collections committee and the joint legislative historical committee. (Foster, Hills 4; Wall, Straf 7; Fuller Clark, Dist 24; Odell, Dist 8: Legislative Administration)

**HB 716**, relative to subdivision and septic system application waivers. (Camm, Rock 8: Resources, Recreation and Development)

**HB 717**, allowing municipalities to establish local community services and care planning boards. (French, Merr 5; Hager, Merr 12; Essex, Hills 1; Butynski, Ches 4: Municipal and County Government)

**HB 718-FN**, regulating privatization contracts for public service. (DeChane, Straf 3; Morrison, Belk 2; Wheeler, Merr 6: Executive Departments and Administration)

**HB 719**, relative to the statute of limitations for fire code violations. (W. Knowles, Straf 6; Pantelakos, Rock 16; Weare, Rock 14; Welch, Rock 8; Tholl, Coos 2; Estabrook, Dist 21: Criminal Justice and Public Safety)

**HB 720**, establishing a council on families and employment. (Gile, Merr 10; Fuller Clark, Dist 24: Labor, Industrial and Rehabilitative Services)

**HB 721**, relative to the appropriation to the department of health and human services for rates paid for nursing services. (King, Coos 1; Wendelboe, Belk 1; Almy, Graf 11; McLeod, Graf 2; Odell, Dist 8: Health, Human Services and Elderly Affairs)

**HB 722**, relative to the rivers management protection program. (O'Connell, Hills 6; Powers, Rock 16; Hassan, Dist 23: Resources, Recreation and Development)

**HB 723**, extending the moratoriums on nursing home beds and rehabilitation. (King, Coos 1; Nordgren, Graf 9: Health, Human Services and Elderly Affairs)

**HB 724**, allowing municipalities to require the provision of income and expense information of business property to assessing officials. (Lasky, Hills 26: Municipal and County Government)

**HB 726-FN-A**, establishing land and community heritage investment program number plates. (Peterson, Hills 3; Kenney, Dist 3: Transportation)

**HB 727-FN**, relative to certain disclosures during the certificate of need process. (DeJoie, Merr 11; Goley, Hills 8; Holden, Hills 7; Baroody, Hills 13; DeVries, Dist 18: Health, Human Services and Elderly Affairs)

**HB 728**, relative to access to wireless telephone records. (Walz, Merr 13: Commerce)

**HB 729**, relative to prohibitions on reproducing drivers' licenses and identification cards and copying information in motor vehicle records. (Kurk, Hills 7: Transportation)

**HB 730**, increasing the maximum fine for speeding in a highway construction or maintenance zone. (Foosse, Merr 1: Criminal Justice and Public Safety)

**HB 731**, relative to the use of vehicle information or location tracked by an electronic toll collection system. (Kurk, Hills 7: Public Works and Highways)

**HB 732-FN**, changing the interest rate on late and delinquent property tax payments and subsequent tax payments. (Kaelin, Hills 4; C. Chase, Hills 2; DeVries, Dist 18: Municipal and County Government)

**HB 733-FN**, relative to certain authority and procedures of the department of revenue administration. (Major, Rock 8; Hamm, Merr 4: Executive Departments and Administration)

**HB 734**, establishing a committee to study requiring certain nonresidential property owners to submit income and expense information for determining property value for tax purposes. (Almy, Graf 11; E. Anderson, Merr 13; Lasky, Hills 26; DeVries, Dist 18; Kenney, Dist 3: Municipal and County Government)

**HB 735**, relative to the form of the presidential primary election ballot. (Harvey, Hills 21: Election Law)

**HB 736**, relative to administrative enforcement of certain violations of municipal ordinances. (Kurk, Hills 7; Patten, Carr 4: Municipal and County Government)

**HB 737**, relative to the enforcement of domestic violence orders. (Hatch, Coos 3: Criminal Justice and Public Safety)

**HB 738**, requiring insurance coverage for infertility treatments. (Crane, Hills 21; J. Tilton, Merr 6; Kjellman, Merr 5: Commerce)

**HB 739**, relative to contractor accountability and disclosure in the public works construction procurement process. (Benn, Graf 9; Tahir, Hills 9; DeVries, Dist 18; D'Allesandro, Dist 20: Public Works and Highways)

**HB 740-FN**, relative to mental health services. (MacKay, Merr 11: Health, Human Services and Elderly Affairs)

**HB 741**, relative to the zoning requirement for child day care providers. (Grassie, Straf 1; Hilliard, Straf 2; W. Chase, Ches 1: Municipal and County Government)

**HB 742**, relative to the issuance of building permits on class VI roads. (Converse, Sull 4: Municipal and County Government)

**HB 743**, relative to the rights of crime victims while making a victim impact statement. (W. Knowles, Straf 6; Welch, Rock 8; Movsesian, Hills 22; Tholl, Coos 2; L. Hammond, Graf 11; Gottesman, Dist 12; Kenney, Dist 3; Gallus, Dist 1; Estabrook, Dist 21: Criminal Justice and Public Safety)

**HB 744-FN**, relative to informed consent before abortion. (Dumaine, Rock 3; Itse, Rock 9; Boyce, Belk 5; N. Elliott, Hills 19: Judiciary)

**HB 745**, relative to the use of secret databases. (Kurk, Hills 7; M. Smith, Straf 7; Winters, Hills 17: Commerce)

**HB 746**, relative to listing candidates on election ballots. (Forsing, Rock 2: Election Law)

**HB 747**, relative to the special meeting requirements for municipalities. (Hopfgarten, Rock 5; Lund, Rock 5; Renzullo, Hills 27: Municipal and County Government)

**HB 748**, requiring disclosure of gifts and campaign contributions by lobbyists and political committees, and requiring lobbyist statements to include certain information. (Splaine, Rock 16: Election Law)

**HB 749**, changing the position of forensic toxicologist within the department of safety from an unclassified to a classified position. (J. Flanders, Rock 8: Executive Departments and Administration)

**HB 751-FN-A**, relative to biodiesel road toll revenue. (Essex, Hills 1; C. Chase, Hills 2; Borden, Rock 18: Science, Technology and Energy)

**HB 752-FN**, relative to per pupil funding for charter school pupils. (Hunt, Ches 7; Stiles, Rock 15; Claire Clarke, Merr 6: Education)

**HB 753-FN-A**, relative to the electronic toll collection transponder inventory fund. (Graham, Hills 18; Waterhouse, Rock 4; Campbell, Hills 24; Ferland, Sull 5; Lerandeau, Ches 6; Kenney, Dist 3: Public Works and Highways)

**HB 754-FN**, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority. (Chandler, Carr 1: Public Works and Highways)

**HB 755-FN**, relative to transfers of motor vehicle registration. (Bergeron, Hills 27; L. Christiansen, Hills 27: Transportation)

**HB 756-FN**, relative to centralized voter registration database information. (Kurk, Hills 7: Election Law)

**HB 757-FN-A**, relative to the beer tax. (Mulholland, Graf 10: Ways and Means)

**HB 758-FN**, establishing a new state defined contribution retirement plan for new state employees and establishing a committee to study the transition of current employees into the new plan and administration of the new plan. (Wendelboe, Belk 1; Itse, Rock 9; Kurk, Hills 7; Bettencourt, Rock 4: Executive Departments and Administration)

**HB 759-FN**, relative to administration and enforcement of banking laws. (Reardon, Merr 11: Commerce)

**HB 760-FN**, relative to temporary relief in a domestic violence proceeding. (Dumaine, Rock 3: Criminal Justice and Public Safety)

**HB 761-FN**, establishing the licensure and regulation of municipal real estate appraisers. (Ingbreton, Graf 5: Executive Departments and Administration)

**HB 762-FN**, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed places. (Vaillancourt, Hills 15; Pilliod, Belk 5: Commerce)

**HB 763-FN**, establishing the licensure and regulation of residential and building inspectors. (Baroody, Hills 13; Kopka, Hills 26; D. Eaton, Ches 2: Executive Departments and Administration)

**HB 764**, relative to access to toilet facilities in public places. (Wells, Rock 8; Guthrie, Rock 8: Commerce)

**HB 765-FN**, relative to procedures for determination of special education costs, payment liability, and rate setting. (Stiles, Rock 15; Claire Clarke, Merr 6; Jillette, Sull 2; Casey, Rock 11; Hassan, Dist 23: Education)

**HB 766-FN**, making changes to the laws relating to special education. (Stiles, Rock 15; Claire Clarke, Merr 6; Jillette, Sull 2; Casey, Rock 11; Charron, Rock 7; Hassan, Dist 23: Education)

**HB 767**, relative to insurance for volunteer drivers. (Rodeschin, Sull 2; Theberge, Coos 4; Wallner, Merr 12; Hager, Merr 12; Stiles, Rock 15; Odell, Dist 8; Burling, Dist 5; Gallus, Dist 1; Foster, Dist 13: Commerce)

**HB 768**, relative to voluntary registration with the Eastern Climate Registry. (Schmidt, Straf 4; Fargo, Straf 4: Science, Technology and Energy)

**HB 769-FN**, relative to determination of town's share of county taxes. (Gottling, Sull 3; Leishman, Hills 6: Municipal and County Government)

**HB 770**, requiring certain information in the financial reports of counties. (Gottling, Sull 3; Franklin, Sull 2; Nielsen, Sull 4; Converse, Sull 4: Municipal and County Government)

**HB 771-FN**, extending medical and surgical benefits to domestic partners. (Butler, Carr 1; DeChane, Straf 3; Levasseur, Hills 11: Executive Departments and Administration)

**HB 772**, relative to suspension or revocation of original drivers' licenses. (Butynski, Ches 4; J. Tilton, Merr 6; L. Hammond, Graf 11: Transportation)

**HB 773**, excluding noise violations from the crime of disorderly conduct. (R. Day, Hills 7; Holden, Hills 7: Criminal Justice and Public Safety)

**HB 774-FN**, relative to the use of marijuana for medicinal purposes. (T. Robertson, Ches 3; Weed, Ches 3; Ingbreton, Graf 5; Vaillancourt, Hills 15; L. Hammond, Graf 11: Health, Human Services and Elderly Affairs)

**HB 776-FN**, establishing the licensure and regulation of private investigators. (Ulery, Hills 27; Janeway, Dist 7: Executive Departments and Administration)

**HB 777-FN-A**, imposing a fee and a fine for certain changes to terrain alteration permits. (Phinizy, Sull 5: Resources, Recreation and Development)

**HB 778-FN-A-L**, relative to a preeminent scholastic educational foundation. (Rowe, Hills 6: Education)

**HB 779-FN**, relative to funding of retirement system benefits and supplemental allowances. (Baroody, Hills 13: Executive Departments and Administration)

**HB 780-FN-L**, requiring police departments to be certified by the Commission on Accreditation for Law Enforcement Agencies (CALEA). (Burrige, Ches 3: Criminal Justice and Public Safety)

**HB 781-FN**, relative to the duties of the department of safety. (J. Flanders, Rock 8: Transportation)

- HB 782-FN**, relative to reinsurance intermediaries and conduct of examinations. (DeStefano, Merr 13; McLeod, Graf 2; D. Flanders, Belk 4; Headd, Rock 3: Commerce)
- HB 783-FN**, requiring DNA testing of persons convicted of certain felony offenses. (J. Tilton, Merr 6; Matarazzo, Hills 20; Wall, Straf 7; Fuller Clark, Dist 24: Criminal Justice and Public Safety)
- HB 784-FN-A**, requiring excess revenue stabilization reserve account funds to be used for a credit against business enterprise and business profits taxes. (Lund, Rock 5; Hopfgarten, Rock 5: Ways and Means)
- HB 785-FN**, relative to user charges for excessive consumption of police and nuisance enforcement services. (Reuschel, Hills 14: Municipal and County Government)
- HB 786-FN**, relative to compensation for retired full-time justices for service after retirement. (D. Cote, Hills 23; Dokmo, Hills 6; Foster, Dist 13: Judiciary)
- HB 787-FN**, relative to procedures for and requirements applicable to municipal appraisers for property tax purposes. (L. Ober, Hills 27; Renzullo, Hills 27; Carson, Rock 3; R. Ober, Hills 27: Executive Departments and Administration)
- HB 788-FN**, relative to games of chance. (Hawkins, Hills 18; Stiles, Rock 15: Executive Departments and Administration)
- HB 789-FN-A-L**, providing supplemental education grants for certain school districts. (Dunn, Ches 3; Wells, Rock 8: Education)
- HB 790-FN**, relative to dependent coverage under the healthy kids program and establishing the joint legislative oversight committee on insurance expansion initiatives. (McLeod, Graf 2; Nordgren, Graf 9; Rosenwald, Hills 22; Moran, Hills 18; Fuller Clark, Dist 24; Hassan, Dist 23: Commerce)
- HB 791-FN**, relative to religious freedom and civil marriage. (Baxley, Merr 6; Morrison, Belk 2; Butler, Carr 1; DeChane, Straf 3; Lasky, Hills 26: Judiciary)
- HB 792-FN**, prohibiting convicted felons from profiting from their crimes. (DeJoie, Merr 11: Criminal Justice and Public Safety)
- HB 793-FN-A**, establishing an exemption from the interest and dividends tax for individuals who are 62 years of age or older. (Renzullo, Hills 27; Bettencourt, Rock 4; L. Ober, Hills 27; Hopfgarten, Rock 5; Itse, Rock 9: Ways and Means)
- HB 794-FN**, relative to campaign contributions and expenditures. (Splaine, Rock 16; Hilliard, Straf 2; B. Richardson, Ches 5; P. Allen, Ches 6; Hall, Hills 5; Cilley, Dist 6: Election Law)
- HB 795**, relative to restricting usage of cellular phones while driving. (Pantelakos, Rock 16; Drisko, Hills 5; Nowe, Rock 9; McEachern, Rock 16; Stevens, Carr 4: Transportation)
- HB 796**, relative to civil liability for damaging highway protective barriers. (Ulery, Hills 27; Chandler, Carr 1: Public Works and Highways)
- HB 797**, regulating mandatory overtime for nurses and assistants. (Holden, Hills 7; Goley, Hills 8; Pilliod, Belk 5; Osborne, Merr 12: Labor, Industrial and Rehabilitative Services)
- HB 798**, allowing municipalities to adopt a property tax freeze for persons aged 65 and older. (Nowe, Rock 9; Buxton, Rock 10; Letourneau, Dist 19: Municipal and County Government)
- HB 799-FN**, establishing a criminal usury rate for interest rates. (Kaelin, Hills 4; C. Chase, Hills 2; Cilley, Dist 6: Commerce)
- HB 801**, establishing a committee to study the feasibility of the state assuming responsibility for fully funding special education costs for children receiving special education services in the state. (Ingbreton, Graf 5: Finance)
- HB 802**, relative to passenger restraints. (Jennifer Brown, Straf 5; McLeod, Graf 2; Bouchard, Merr 11; Hager, Merr 12; Pilliod, Belk 5; Emerson, Ches 7; Hassan, Dist 23; Fuller Clark, Dist 24: Transportation)
- HB 803**, relative to the sale of tax-deeded property. (Stohl, Coos 1; Patten, Carr 4; Theberge, Coos 4; Gallus, Dist 1: Municipal and County Government)
- HB 804**, excluding the value of a view from property tax assessments. (Parkhurst, Ches 4; Hutchinson, Rock 3: Municipal and County Government)
- HB 805-FN-L**, relative to a crosswalk in the town of Seabrook. (Weare, Rock 14; M. Preston, Rock 14: Public Works and Highways)
- HB 806-FN-L**, relative to a traffic light in the town of Seabrook. (Weare, Rock 14; M. Preston, Rock 14: Public Works and Highways)
- HB 807**, requiring headlight use when windshield wipers are in use. (P. McMahon, Merr 3: Transportation)

- HB 808**, relative to employees' rights to bring court action against employers. (P. McMahon, Merr 3; Marshall Quandt, Rock 13; Hassan, Dist 23: Labor, Industrial and Rehabilitative Services)
- HB 809**, relative to restrictions on political advertising. (P. McMahon, Merr 3: Election Law)
- HB 810**, establishing a commission to prepare a master plan for Mount Sunapee state park, Sunapee state beach, Pillsbury state park, Wadleigh state park, Rollins state park, and Winslow state park. (P. McMahon, Merr 3; Jillette, Sull 2: Resources, Recreation and Development)
- HB 811**, establishing a committee to study alternatives to incarceration and funding for rehabilitation programs for non-violent offenders. (J. Tilton, Merr 6; Butynski, Ches 4; Matarazzo, Hills 20; Wall, Straf 7; Nord, Rock 1; Fuller Clark, Dist 24; Hassan, Dist 23: Criminal Justice and Public Safety)
- HB 812**, relative to making permanent certain exceptions to limits on land application of septage and sludge. (O'Connell, Hills 6: Environment and Agriculture)
- HB 813-FN**, expanding the definition of income of the land conservation investment program monitoring endowment. (Spang, Straf 7; Hamm, Merr 4; Hager, Merr 12; Fuller Clark, Dist 24; Burling, Dist 5: Resources, Recreation and Development)
- HB 814-FN**, relative to the judicial retirement plan. (Dokmo, Hills 6; Gatsas, Dist 16: Judiciary)
- HB 815-FN-A**, requiring the display of boater education decals. (C. Christensen, Hills 19; D. Russell, Belk 6; Millham, Belk 5; Abbott, Rock 12; Moody, Rock 12; Odell, Dist 8; Hassan, Dist 23; Fuller Clark, Dist 24: Resources, Recreation and Development)
- HB 817**, relative to the workers' compensation compliance statement. (Goley, Hills 8; Long, Hills 10; Bucu, Carr 1: Labor, Industrial and Rehabilitative Services)
- HB 818**, establishing a committee to study reestablishing the port authority as an independent agency. (Pantelakos, Rock 16; Splaine, Rock 16: Executive Departments and Administration)
- HB 819**, establishing a right to work act which provides for freedom of choice on whether to join a labor union. (Baldasaro, Rock 3; Itse, Rock 9; Garcia, Rock 4; Dumaine, Rock 3; Ingbretson, Graf 5: Labor, Industrial and Rehabilitative Services)
- HB 820-FN-A**, establishing a tax on candy. (Mulholland, Graf 10: Ways and Means)
- HB 821**, establishing a committee to study establishing a permanent Latino affairs commission. (Velez, Hills 12; Jeudy, Hills 10; Bouchard, Merr 11; DeVries, Dist 18; Gottesman, Dist 12; Cilley, Dist 6: Executive Departments and Administration)
- HB 822**, relative to enrollment of students in regional vocational schools. (Hutchinson, Rock 3; Baldasaro, Rock 3: Education)
- HB 823-FN**, relative to state and municipal contracting practices for public works. (Long, Hills 10: Public Works and Highways)
- HB 824-FN**, establishing a death benefit to be paid to the family of a police officer, firefighter, or highway worker killed in the line of duty. (P. McMahon, Merr 3; Foose, Merr 1; Marsh, Rock 17: Finance)
- HB 826-FN**, relative to coverage of medically necessary services and items under the medical assistance program. (Donovan, Sull 4; D. Eaton, Ches 2; Tupper, Merr 6; Emerson, Ches 7; Gallus, Dist 1; Fuller Clark, Dist 24; Estabrook, Dist 21: Health, Human Services and Elderly Affairs)
- HB 827-FN**, relative to the reasonable cost of medical support for dependent children. (Moran, Hills 18; Blanchard, Merr 10; Itse, Rock 9; Flockhart, Rock 13; Fuller Clark, Dist 24; Sgambati, Dist 4: Children and Family Law)
- HB 828-FN**, relative to a state ethics officer. (Splaine, Rock 16: Executive Departments and Administration)
- HB 829**, establishing authority for a state property tax bank administered by the housing finance authority and requiring the housing finance authority board to develop a proposal and report to the general court. (Ingbretson, Graf 5; Hinkle, Hills 19; Itse, Rock 9; Mooney, Hills 19: Ways and Means)
- HB 830-FN-A**, relative to milk support prices in New Hampshire. (M. Rollo, Straf 2; Phinizy, Sull 5; Owen, Merr 4; Skinder, Sull 1; D. Rollo, Straf 2: Environment and Agriculture)
- HB 831**, relative to notification by pharmacies to consumers when prescriptions need to be renewed. (Wells, Rock 8; Pilliod, Belk 5; Guthrie, Rock 8: Commerce)
- HB 832-FN**, relative to financial relief for members of the military reserve or national guard called to active duty. (Bucu, Carr 1; Nord, Rock 1: State-Federal Relations and Veterans Affairs)
- HB 833**, relative to workers employed within the United States in connection with state contracts. (Hinkle, Hills 19; Marshall Quandt, Rock 13; Itse, Rock 9; Haefner, Hills 27; Ulery, Hills 27: Labor, Industrial and Rehabilitative Services)

- HB 834-FN-A**, relative to sales of tobacco products in state liquor stores. (Burridge, Ches 3; Executive Departments and Administration)
- HB 835-FN**, relative to funding the modular building program. (Pilotte, Hills 16; Infantine, Hills 13; F. Sullivan, Hills 12; DeVries, Dist 18: Finance)
- HB 836**, prohibiting wastewater treatment plants from excluding towns for septage treatment and disposal services. (Beaulieu, Hills 17; S. Merrick, Coos 2; Marshall Quandt, Rock 13; Spang, Straf 7; Foster, Hills 4; Fuller Clark, Dist 24: Environment and Agriculture)
- HB 837**, relative to easements and the land and community heritage investment program. (O'Connell, Hills 6; B. Williams, Graf 8: Resources, Recreation and Development)
- HB 838-FN-L**, allowing municipalities to recover certain costs related to right-to-know requests. (Lasky, Hills 26; Clemons, Hills 24: Municipal and County Government)
- HB 839**, establishment of maximum retail fluid milk prices. (King, Coos 1; Ingersoll, Coos 4; Remick, Coos 2: Environment and Agriculture)
- HB 840**, relative to home improvement contracts. (Infantine, Hills 13: Commerce)
- HB 841**, relative to the appointment of parenting coordinators. (Gargas, Hills 5; Franklin, Sull 2; Peterson, Hills 3; Roberge, Dist 9: Children and Family Law)
- HB 842**, establishing safety requirements and procedures for firefighters. (DeJoie, Merr 11; Goley, Hills 8; Weare, Rock 14; O'Brien, Hills 26; P. Garrity, Hills 14; Gottesman, Dist 12; Clegg, Dist 14: Criminal Justice and Public Safety)
- HB 843-FN**, requiring excess revenue stabilization reserve account funds to be used to make payments to all homeowners of primary residences in this state. (Renzullo, Hills 27; L. Ober, Hills 27; Hopfgarten, Rock 5; Ulery, Hills 27: Ways and Means)
- HB 844-FN**, authorizing the commissioner of revenue administration to issue demands for records for purposes of interest and dividends tax audits and to seize and destroy unstamped and invalidly stamped tobacco products. (Major, Rock 8; Hamm, Merr 4: Ways and Means)
- HB 845-FN-A**, making an appropriation to the town of Dorchester to rebuild the Province road bridge. (Mulholland, Graf 10; Reynolds, Dist 2: Public Works and Highways)
- HB 846**, transferring certain land in the town of Stoddard from the Trust for Public Land to the fish and game department. (D. Eaton, Ches 2: Fish and Game)
- HB 847**, relative to general rules for vessels operating on water. (Pilliod, Belk 5; Lovett, Graf 8; Abbott, Rock 12; Patten, Carr 4; Millham, Belk 5; Hassan, Dist 23; Burling, Dist 5; Cilley, Dist 6; Kenney, Dist 3; Fuller Clark, Dist 24: Transportation)
- HB 848**, relative to a private right of action to recover workers' compensation coverage payments. (Long, Hills 10: Labor, Industrial and Rehabilitative Services)
- HB 849**, relative to rent payments by voucher issued by a state or municipal agency. (Donovan, Sull 4; Emerson, Ches 7: Judiciary)
- HB 851-FN-A-L**, relative to the determination of county payments for nursing home services. (Schmidt, Straf 4: Municipal and County Government)
- HB 852-FN-A-L**, changing the rate and distribution of the excavation tax. (Martin, Carr 5: Municipal and County Government)
- HB 853**, establishing a commission to study the effect of fiat currency on the wealth of New Hampshire citizens. (Itse, Rock 9; M. Clark, Hills 18: Commerce)
- HB 854-L**, relative to remedies under the right-to-know law. (J. Thomas, Belk 5; Espieffs, Ches 3: Judiciary)
- HB 855**, relative to renewable energy generation incentive payments. (Kaelin, Hills 4; C. Chase, Hills 2; Fuller Clark, Dist 24; Cilley, Dist 6: Science, Technology and Energy)
- HB 856**, relative to the definition of veteran. (Emiro, Rock 3: State-Federal Relations and Veterans Affairs)
- HB 857-FN-L**, relative to permitting responsibilities under the comprehensive shoreland protection act. (Spang, Straf 7; Powers, Rock 16; Fuller Clark, Dist 24: Resources, Recreation and Development)
- HB 858-FN**, relative to discount medical plan organization. (McLeod, Graf 2; DeStefano, Merr 13; D. Flanders, Belk 4; Headd, Rock 3; DeVries, Dist 18; Sgambati, Dist 4: Health, Human Services and Elderly Affairs)
- HB 859**, relative to the definitions of agriculture and farming in the motor vehicle laws. (O'Connell, Hills 6; B. Williams, Graf 8; Tobin, Belk 2: Environment and Agriculture)



**HB 860**, relative to maintenance of draft beer equipment. (Baroody, Hills 13; D. Eaton, Ches 2; Belanger, Rock 4; Kopka, Hills 26: Commerce)

**HB 861-FN**, allowing certain members of the United States armed forces and their dependents to attend public postsecondary institutions at the in-state resident tuition rate. (Kjellman, Merr 5; Shurtleff, Merr 10; Hatch, Coos 3; Dingman, Graf 5; Baldasaro, Rock 3; Kenney, Dist 3; Burling, Dist 5; Hassan, Dist 23: Education)

**HB 862-FN**, establishing an incapacitated adult fatality review committee. (Schulze, Hills 26; MacKay, Merr 11; Donovan, Sull 4; Emerson, Ches 7; French, Merr 5; Fuller Clark, Dist 24: Health, Human Services and Elderly Affairs)

**HB 863**, relative to the assessment of property subject to a housing subsidy restriction. (Infantine, Hills 13: Municipal and County Government)

**HB 864-FN**, requiring licensing of outpatient abortion facilities. (N. Elliott, Hills 19; Mooney, Hills 19; Manney, Hills 7; Ulery, Hills 27; Roberge, Dist 9: Health, Human Services and Elderly Affairs)

**HB 865-FN**, relative to an adequate education and state education grants. (Carson, Rock 3: Education)

**HB 866**, relative to the right-to-know law application to board of tax and land appeals and public utilities commission matters. (Wall, Straf 7; Dokmo, Hills 6; Espieffs, Ches 3; Stohl, Coos 1; Kaen, Straf 7; Burling, Dist 5: Judiciary)

**HB 867-FN-L**, relative to parent liability for court-ordered services in juvenile proceedings. (Moran, Hills 18; Movsesian, Hills 22: Children and Family Law)

**HB 868-FN**, relative to a surcharge on recording documents with the register of deeds to fund the land and community heritage investment program. (Spang, Straf 7; Kurk, Hills 7; Foose, Merr 1; Hager, Merr 12; Shurtleff, Merr 10; Fuller Clark, Dist 24; Janeway, Dist 7: Municipal and County Government)

**HB 869-FN**, relative to unauthorized video surveillance. (L'Heureux, Hills 19; Kurk, Hills 7; Gallus, Dist 1: Criminal Justice and Public Safety)

**HB 870-FN-A-L**, relative to the calculation and disbursement of adequate education grants. (Hess, Merr 9; Kurk, Hills 7: Education)

**HB 871-FN-A**, allowing the fish and game department to conduct an annual auction of moose hunting permits. (L'Heureux, Hills 19; Gallus, Dist 1; Roberge, Dist 9: Fish and Game)

**HB 872-FN**, relative to an exception to the wiretapping and eavesdropping statute for recording images or sounds occurring where there is no reasonable expectation of privacy. (Dumaine, Rock 3; Essex, Hills 1: Criminal Justice and Public Safety)

**HB 873-FN-L**, establishing minimum renewable standards for energy portfolios. (Harvey, Hills 21; Phinizy, Sull 5; Borden, Rock 18; J. Garrity, Rock 6; Fuller Clark, Dist 24; Bragdon, Dist 11: Science, Technology and Energy)

**HB 874-FN-A**, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover certain adults. (Schmidt, Straf 4; Wall, Straf 7: Commerce)

**HB 876-FN-L**, relative to eliminating the special account, changing the definition of earnable compensation, and revising the calculation of employee and employer contribution rates and cost-of-living adjustments in the retirement system, and assigning all new employees to group I. (Kurk, Hills 7: Executive Departments and Administration)

**HB 877-FN**, relative to the state recycling program. (Morrison, Belk 2; C. Chase, Hills 2; Beaulieu, Hills 17; Tobin, Belk 2: Environment and Agriculture)

**HB 878-FN**, relative to drivers' licenses issued to persons 70 years of age and older and relative to the medical/vision advisory board. (Morrison, Belk 2; Tobin, Belk 2; Estes, Graf 7; Reynolds, Dist 2: Transportation)

**HB 879-FN**, relative to establishing a conservation agent program within the department of environmental services. (Fargo, Straf 4; L. Brown, Straf 3; Borden, Rock 18; Spang, Straf 7; Tupper, Merr 6; Estabrook, Dist 21: Environment and Agriculture)

**HB 880-FN**, requiring the department of resources and economic development to implement a feasibility study for the production of alternative forms of energy using natural resources of the state of New Hampshire and making an appropriation therefor. (Owen, Merr 4; C. Chase, Hills 2; B. Richardson, Ches 5; Phinizy, Sull 5: Science, Technology and Energy)

**HB 881-FN**, relative to the licensure and regulation of interior designers. (Wood, Belk 4; Brueggemann, Merr 12; Yeaton, Merr 8; Letourneau, Dist 19; Fuller Clark, Dist 24: Executive Departments and Administration)

- HB 882-FN**, relative to limitations on tort liability of government units. (Sorg, Graf 3: Judiciary)
- HB 883-FN-A**, relative to tolls. (O'Neil, Hills 19: Public Works and Highways)
- HB 884-FN-A**, increasing the rate of the tobacco tax. (Almy, Graf 11; Sgambati, Dist 4; Burling, Dist 5: Ways and Means)
- HB 885-FN**, relative to the deputy commissioner of the department of employment security. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Holden, Hills 7: Executive Departments and Administration)
- HB 886-FN-A-L**, relative to funding an adequate education. (Wells, Rock 8; Guthrie, Rock 8; Butynski, Ches 4; Holden, Hills 7: Ways and Means)
- HB 887-FN**, allowing certain members of the United States armed forces, including the reserve component, and veterans who qualify for the Montgomery GI Bill, to take courses tuition free at public postsecondary institutions. (Kjellman, Merr 5; Hatch, Coos 3; Roberts, Ches 3; Dingman, Graf 5; Baldasaro, Rock 3; Kenney, Dist 3; Hassan, Dist 23: Finance)
- HB 888-FN-A**, relative to instructional and operational costs of providing an adequate education. (Gile, Merr 10; Blanchard, Merr 10; Gargas, Hills 5; Flockhart, Rock 13: Education)
- HB 889-FN**, relative to securities regulation. (R. Johnson, Rock 1: Commerce)
- HB 890-FN**, relative to sentencing of persons convicted of Internet solicitation of a minor. (Baldasaro, Rock 3; Crane, Hills 21; Headd, Rock 3; Carson, Rock 3; Garcia, Rock 4; Kenney, Dist 3: Criminal Justice and Public Safety)
- HB 891-FN-A**, establishing a beverage fee to be paid by beverage manufacturers and distributors. (Mulholland, Graf 10: Ways and Means)
- HB 892-FN**, relative to bonding for subdivisions and condominium projects. (Infantine, Hills 13: Municipal and County Government)
- HB 893-FN**, relative to long-term care. (Donovan, Sull 4; Emerson, Ches 7; Fuller Clark, Dist 24: Health, Human Services and Elderly Affairs)
- HB 894-FN**, requiring insurance coverage for bariatric surgery for diabetics. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13: Commerce)
- HB 895-FN**, relative to licensure of court reporters. (Shurtleff, Merr 10: Executive Departments and Administration)
- HB 896-FN-L**, relative to authority to waive interest on late paid property tax bills. (Cloutier, Sull 4; Converse, Sull 4; Donovan, Sull 4; Gagnon, Sull 4; Nielsen, Sull 4; Odell, Dist 8; Burling, Dist 5: Municipal and County Government)
- HB 897-FN-A**, relative to the salary of the state veterinarian. (Phinizy, Sull 5; Wells, Rock 8: Environment and Agriculture)
- HB 898**, relative to the use of sled dogs and the training of sled dogs on state trails. (Phinizy, Sull 5; D. Russell, Belk 6; Snow, Rock 1; Gallus, Dist 1: Resources, Recreation and Development)
- HB 899-FN-A**, assessing a fee on water withdrawn for sale or resale from water supply sources in the state. (Martin, Carr 5; Dunn, Ches 3: Resources, Recreation and Development)
- HB 901**, relative to requirements for non-driver identification cards. (Mooney, Hills 19; Barry, Hills 19; L'Heureux, Hills 19; C. Christensen, Hills 19; Crane, Hills 21; Roberge, Dist 9; Gallus, Dist 1; Kenney, Dist 3: Transportation)
- HB 902**, establishing a committee to study the costs and benefits of the drug prohibition policy on the people of New Hampshire. (Ingbretson, Graf 5: Criminal Justice and Public Safety)
- HB 903-FN**, prohibiting delivery of oil to non-compliant underground storage facilities. (C. Christensen, Hills 19; Letourneau, Dist 19: Resources, Recreation and Development)
- HCR 7**, urging federal action on the earned income tax credit and other tax benefits related to child custody. (Rep. Matarazzo, Hills 20: State-Federal Relations and Veterans Affairs)
- HR 9**, supporting the U.S. Mayors Climate Protection Agreement. (S. Merrick, Coos 2; Harvey, Hills 21; Ryan, Merr 2; Fontas, Hills 24: State-Federal Relations and Veterans Affairs)
- CACR 15**, Relating to citizen review retention elections for judges. Providing that a judge shall be subject to a citizen review retention election at the biennial election next occurring after he or she has served for 2 years and subsequently at regular intervals which depend on the court in which the judge serves. (Crane, Hills 21; Ulery, Hills 27; L. Christiansen, Hills 27; Renzullo, Hills 27; Kenney, Dist 3: Judiciary)
- CACR 16**, Relating to an income and a sales tax. Providing that there shall be a state referendum prior to the legislature's adoption of an income tax or sales tax. (Long, Hills 10: Ways and Means)

**CACR 17**, Relating to funding for education. Providing that revenue from lotteries and games of chance may only be used for educational purposes. (DiFruscia, Rock 4; Gleason, Rock 5; Holden, Hills 7; Weyler, Rock 8; Kenney, Dist 3: Finance)

## RECESS

(Speaker Norelli in the Chair)

## RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 904 through 921 and House Concurrent Resolution number 8 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS AND HCR

### First, second reading and referral

**HB 904-FN-L**, defining an adequate education and relative to calculating the cost of an adequate education and adequate education grants. (Casey, Rock 11; Wells, Rock 8; Hamm, Merr 4; Lockwood, Merr 6: Education)

**HB 905**, establishing civil unions as legally recognized relationships. (Vaillancourt, Hills 15: Judiciary)

**HB 906**, relative to an informed jury. (Ingretson, Graf 5; DiFruscia, Rock 4; Sorg, Graf 3: Judiciary)

**HB 907-FN**, relative to the sale, distribution, and disposal of certain mercury-added products. (Phinizy, Sull 5; Owen, Merr 4; Butcher, Ches 3; Janeway, Dist 7; Hassan, Dist 23: Environment and Agriculture)

**HB 908-FN**, relative to the licensure and regulation of massage therapists and registration of somatic and bodywork practitioners. (Baroody, Hills 13: Executive Departments and Administration)

**HB 909**, relative to oaths required of public officers. (Itse, Rock 9; L. Christiansen, Hills 27: Judiciary)

**HB 910-FN**, relative to state reimbursement to sheriffs' departments for the costs associated with court bailiffs. (DiFruscia, Rock 4: Finance)

**HB 911-FN-L**, establishing an automated external defibrillator trust fund and making an appropriation therefor. (Hamm, Merr 4; Gile, Merr 10; Welch, Rock 8; Weare, Rock 14; Levasseur, Hills 11; Burling, Dist 5: Ways and Means)

**HB 912-FN-A-L**, establishing the New Hampshire homestead plan. (Peterson, Hills 3; Leishman, Hills 6; C. Robertson, Rock 13; DeJoie, Merr 11: Ways and Means)

**HB 913-FN-A**, establishing a senior citizen property tax postponement program. (Rowe, Hills 6: Ways and Means)

**HB 914-L**, relative to the procedure for withdrawal from certain cooperative school districts and establishing a commission to study the procedures for withdrawal from a cooperative school district. (Drisko, Hills 5; Hall, Hills 5; Gargas, Hills 5; Levesque, Hills 5; Gottesman, Dist 12: Education)

**HB 915**, establishing a committee to study the trafficking and distribution of illegal drugs into and throughout New Hampshire. (Hinkle, Hills 19; Mooney, Hills 19; O'Neil, Hills 19; Hansen, Hills 6; Roberge, Dist 9: Criminal Justice and Public Safety)

**HB 916**, relative to nonpublic or private schools receiving public funds. (P. McMahon, Merr 3: Education)

**HB 917**, establishing a commission to study implementing a statewide emergency communications system. (Harding, Graf 11; L. Ober, Hills 27; J. Thomas, Belk 5; Burling, Dist 5: Science, Technology and Energy)

**HB 918-FN**, relative to motor vehicle registrations for manufacturers. (Campbell, Hills 24: Transportation)

**HB 919**, relative to the high school curriculum for New Hampshire history. (Holden, Hills 7; Rowe, Hills 6; Crane, Hills 21; R. Day, Hills 7; Kenney, Dist 3: Education)

**HB 920**, establishing a worker adjustment and retraining notification requirement. (Long, Hills 10: Labor, Industrial and Rehabilitative Services)

**HB 921-FN**, making technical changes in the insurance laws. (McLeod, Graf 2; D. Flanders, Belk 4; Headd, Rock 3; Sgambati, Dist 4: Commerce)

**HCR 8**, urging Congress to rename the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital. (Rep. Weyler, Rock 8: State-Federal Relations and Veterans Affairs)

## RECESS

**(Rep. Chandler in the Chair)**

### RESOLUTION

Rep. Price offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 922 through 924 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees. Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 922-FN**, relative to licensing for games of chance. (F. Sullivan, Hills 12; Velez, Hills 12; Manney, Hills 7; P. Garrity, Hills 14; D'Allesandro, Dist 20: Executive Departments and Administration)

**HB 923**, prohibiting dog racing in New Hampshire and establishing a committee to make recommendations for mitigating the impacts of prohibiting dog racing. (Schmidt, Straf 4; Splaine, Rock 16; Cooney, Graf 7; Crane, Hills 21; Roberge, Dist 9: Executive Departments and Administration)

**HB 924-FN**, relative to the deconstruction of buildings. (Owen, Merr 4: Environment and Agriculture)

## RECESS

**(Speaker Norelli in the Chair)**

### RESOLUTION

Rep. Foster offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill 925 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee. Adopted.

## INTRODUCTION OF HOUSE BILL

### First, second reading and referral

**HB 925-FN-A**, relative to state and local taxes. (Hamm, Merr 4; Wells, Rock 8; Gould, Rock 5; K. Shaw, Hills 26; Mulholland, Graf 10: Ways and Means)

## RECESS

**(Speaker Norelli in the Chair)**

Rep. Wallner moved that the House adjourn. Adopted.

## HOUSE JOURNAL No. 5

Thursday, February 15, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

O God of infinite newness, whether it comes on the spectacular heels of a wintry Nor'easter, or simply in a spontaneous moment of insight over a cup of coffee, we thank You for those occasions when You grant to us a vision of things as we've never quite seen them before. You have a way of transforming the ordinary into the extraordinary and dead-ends into possibilities. You turn deserts of emptiness into oases of life. Grant during this special session today that we might be particularly open to the insights, possibilities and resources You have set before us that we simply hadn't noticed before.

O God whose center is everywhere and whose periphery is nowhere, show us how, in this season of frigid snow days and sometimes frustrating budget deliberations, how we might draw into the center of communal opportunity those women, men and children in our state who find themselves at the periphery. We pray for them and for all whose benefit we are charged with. And we pray for those in our lives who find themselves in places of grief, injury, fear or loss. Bear them up in Your Holy care, we humbly pray. Amen.

Rep. Robert Foose, member from New London, led the Pledge of Allegiance.

The National Anthem was sung by Amanda Odell of Newport, a junior at Newport High School.

### LEAVES OF ABSENCE

Reps. Mary Allen, George Brown, Claudia Chase, Cyr, Forsing, Howard, Stephen Johnson, Jane Kelley, Laliberte, McKinney, Mesa, Benjamin Moore, Nagle, Nowe, Shattuck, Barbara Shaw and Francis Sullivan, the day, illness.

Reps. Arsenault, Bulis, Butterworth, Devine, DesRoches, Dumaine, Ferland, Forest, Francoeur, Goley, Griffin, Hilliard, Introne, William Knowles, Kopka, Levasseur, Lovett, Martin, McGuirk, Mears, Miller, Nedeau, O'Keefe, Priestley, Marshall Quandt, Reed, Serlin, Simon, Sorg, Stevens, Tobin, Ulery, Warren and Yeaton, the day, important business.

Reps. Lars Christiansen, Coughlin, John Kelley, McCarthy, Kimberly Shaw and Tholl, the day, illness in the family.

### INTRODUCTION OF GUESTS

Gerard Breault, guest of Rep. Hatch. Tracey and Lawrence Bailey, Hugh and Jacqueline Odell, family of the singer, guests of the House. Masaki Hitosugi and Bill Miller, guests of Rep. Watson. Robert Ehlers, husband of Rep. Ehlers.

### RESOLUTION

Reps. Wallner and Whalley offered the following: **RESOLVED**, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of hearing the Budget Address given by His Excellency, Governor John H. Lynch.

Adopted.

### SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing Governor John H. Lynch deliver his budget message.

### JOINT CONVENTION

#### (Speaker Norelli presiding)

The Sergeant-at-Arms introduced the Honorable Senate and Senate President, Sylvia B. Larsen from Concord.

His Excellency, Governor John H. Lynch, addressed the Joint Convention.

### BUDGET ADDRESS

Good Morning and welcome to winter in New Hampshire. Madam Speaker, Madam Senate President, Honorable members of the House, Senate, and my fellow citizens of this great state of New Hampshire:

I am pleased to present to you today a balanced, honest and fiscally responsible budget – one that addresses our state's priorities without new taxes. This is a budget that uses taxpayer dollars wisely to meet state government's most fundamental responsibilities: caring for our most vulnerable citizens; educating our children; strengthening our economy; protecting our environment and natural resources; and ensuring the safety of our citizens.

In balancing this budget, we faced significant challenges. Non-discretionary costs – costs we are obligated to fund – increased by \$300 million. Benefit costs alone, including retirement costs for state employees increased by \$95 million. The state contribution toward retirement costs for local teachers, firefighters, and police officers increased by \$38 million over the biennium. Costs for our retirees' health insurance increased by \$19 million.

To balance this budget, we made tough choices. We cut agency budget requests by \$291 million. We asked agencies to justify every dollar, to be more efficient and to direct more of their resources to areas that directly serve our citizens. Traditionally agencies have kept vacant positions on their books as a way of returning money to the general fund at the end of the year. Funding long-term vacant positions makes no sense, which is why we eliminated 321 vacant positions – most vacant more than six months, some vacant for as long as six years.

We estimated revenues carefully, assuming modest economic growth. They are sound estimates, consistent with historic trends. We invested in increased advertising dollars for the Liquor Commission, Lottery and tourism promotion to increase expected revenues. And we funded auditor positions at the Department of Revenue Administration.

As a state, we receive monthly revenue reports and we continually debate revenue projections. But we need to do a better job of tracking expenses on a statewide basis. That's why I have asked Commissioner Hill to develop expense reports, similar to the revenue reports, which will be available for our review monthly.

I have enormous respect for the jobs that our state employees do, and I want them to have high-quality health care. But the current growth in benefit costs is just not sustainable. As we begin negotiations on a new two-year collective bargaining agreement, we must work in partnership with our employees to control the growth in these costs.

To cushion against further emergencies and to protect our state's bond rating, this budget sends the entire expected surplus from this biennium, about \$15 million, into the Rainy Day Fund. This will increase our Rainy Day Fund to \$80 million, up from just \$17 million in 2005.

A strong economy is essential to the vitality of our state and the lives of our citizens, and this budget helps foster continued economic growth here in New Hampshire.

It maintains our investment in the small business development centers, the Industrial Research Center, and increases travel and tourism advertising by \$500,000 over the biennium.

To encourage innovative companies to create jobs here in New Hampshire, the budget allows us to institute a research-and-development tax credit.

A strong infrastructure, including quality roads and bridges and alternative transportation such as buses and rail, is critical to our economic growth, to public safety, and to the quality of life of our residents. Financial management problems at the Department of Transportation have delayed completion of the state audit for fiscal year 2006. As I prepared my budget, I still had only an estimate of the deficit in the highway fund. I have nominated Chuck O'Leary, a former commissioner of DOT, to provide interim leadership to the Department, and my first charge to him is to finish the audit so that the legislature may have better information as you do your work. But one thing is clear. State agencies must stop using the highway fund like an ATM. We need to revisit which agencies receive highway funds, and for what purpose. We need to restore financial accountability and oversight of the highway fund and I look forward to working with you on that important effort.

We have fallen behind on some road projects and the longer that we delay fixing our roads and bridges the more expensive the repairs will be to our taxpayers.

This budget allows us to move forward on critical road projects, including the expansion of Interstate 93. It also proposes bonding \$60 million over the biennium. This will balance the highway fund's budget and let us make long-term changes to the financial management of the highway fund. It will also allow us to accelerate important projects. With this budget, we will be able to nearly

double – up to 57 – the number of critical and red-listed bridges to be repaired. Expanding highways is not the only solution to reducing congestion in New Hampshire. That is why this budget helps fund bus services across New Hampshire. And the capital budget includes \$1 million to support and spur the return of rail service to Southern New Hampshire.

The rising cost of energy is one of the major challenges facing our economy. Developing alternative energy sources is an economic opportunity for our state. I have set a goal of ensuring that 25 percent of our energy comes from renewable sources by 2025. This budget strengthens our Office of Energy and Planning to help us meet that goal. It will allow the office to better work with the legislature to improve our state's energy policies; to attract renewable energy companies to New Hampshire; and to help our businesses become more energy efficient.

Every family in New Hampshire deserves a safe and healthy home, but we know that many families are increasingly finding themselves priced out of the New Hampshire market. A 2005 study estimated that New Hampshire lost 2,800 potential jobs a year because of a shortage in workforce housing. State government can help by assisting local communities in developing zoning ordinances that preserve local character while at the same time promoting workforce housing. That is why this budget dedicates a state planner to helping local communities on workforce housing issues, and provides \$400,000 over the biennium for a pilot grant program to help communities expand workforce housing here in New Hampshire. An estimated 20,000 New Hampshire citizens are homeless during the course of a year. With this budget, we will begin work to remove one of the major barriers to homeless families finding permanent housing. This budget provides \$400,000 over the biennium to establish a Revolving Loan Fund to provide security deposits for homeless families. Let's help more New Hampshire families find homes to call their own.

Education is perhaps the most important investment we make in our state's economic future. A strong workforce is one of the best recruiting tools we have for attracting new businesses to New Hampshire. And the quality of education that we offer to our children will determine the quality of opportunities they have later on in life. We must meet our responsibility for public education here in New Hampshire, and that begins with defining an adequate education.

On Monday, I joined with a bipartisan coalition of lawmakers to propose a definition based on the curriculum frameworks and our existing school approval standards. I believe that this definition is a good starting point, and I look forward to working on it with the legislature and with the people of New Hampshire. Once we have completed a definition of an adequate education, we must ensure that every community has the resources it needs to provide that education for its children. To do that, we need the flexibility to target aid – lifting up the communities that are struggling to provide a quality education. That is why I will soon present to you a constitutional amendment that allows us to target aid, affirms the state's responsibility for education, and ensures that the state cannot walk away from that responsibility.

Now I do not believe that we should put in place a new school funding formula until we have defined an adequate education and passed a constitutional amendment. Nor do I believe we should simply go forward with the current law. Under the current law, some communities would see dramatic swings in the amount of aid that they receive, undercutting our goals and principles of sustainability and predictability, which should be an integral part of any school funding solution. We should not subject our communities to these major changes when we know that we will put in place a new school funding law at the end of this biennium. That is why this budget guarantees for the next two years every community will receive the same amount of education aid they received this year, plus an increase of five percent. This interim measure will allow our communities to plan and will give the legislature the time necessary to develop a better and more permanent education funding solution. Adequacy grants are only one part of what we spend on education as a state. This budget fully funds state building aid, fully funds catastrophic aid, and fully funds tuition and transportation aid. In addition to adequacy aid, we will spend more than \$191 million on education grants to our schools.

A high school diploma is the minimum price of admission for most jobs in New Hampshire. Without high school diplomas our young people will not have the opportunities that they deserve for better lives, and our state will not have the educated workforce it needs in order to compete in the global economy. Right now, nearly 20 percent of our students are dropping out before they graduate from high school. This budget invests the resources necessary to help turn these young lives around by providing real alternatives for students who don't do well in traditional classrooms.

This budget provides \$4 million to increase tutoring and one-on-one assistance to help at-risk



students stay in school; it expands access to our career and technical educational centers; it expands our investment in night school and in apprenticeship programs. And the capital budget provides more than \$13 million for renovations at the regional vocational schools in both Manchester and Exeter. In all, we will spend more than \$54 million in state and federal funds this biennium on alternative programs to help keep our kids in school. This budget provides the resources to help our young people stay in school. Now we must show that we have the will to help make it happen. We must increase New Hampshire's compulsory attendance age from 16 to 18 this year.

Now we know students who receive quality early learning opportunities are more likely to finish school and succeed later in life. The legislature recognized that last year by creating the Quality Early Learning Initiative. This budget continues and expands that effort with \$1 million of funding each year. And, this budget provides the first increase in state funding for Head Start since 2000.

We must continue to work to strengthen our public colleges and universities and to make sure that the door to higher education in New Hampshire is open to every student who works hard. Two years ago, we created a new financial aid program to help New Hampshire students who receive the maximum Pell grant to attend the University of New Hampshire, Plymouth or Keene State for no additional tuition cost in their first year. This budget maintains that commitment and expands it to sophomores and juniors. In addition, this budget provides \$196 million over the biennium, or a \$16 million increase, to keep the University System strong and to hold tuition increases to a minimum. Project Running Start, run by New Hampshire's Community Technical College System, opens the door to college for many students. It allows high school students to take college-level classes right at their own local schools. They can earn credits that are transferable to colleges across the nation. That's why this budget provides the funding necessary to double the number of students enrolled in Project Running Start.

Our community technical college system plays a critical role in the training of our workforce and in expanding opportunities for our citizens. This budget invests in strengthening our community technical colleges and in keeping them affordable with an additional \$10 million over the biennium. To keep our public colleges and universities vibrant, we must also make sure that they have up-to-date facilities. That is why the capital budget keeps the promise that we made to the University System and provides \$39.5 million to continue to upgrade its academic buildings. And it provides \$17 million in general funds, and \$32 million overall, to the community technical college system, including money to build a health education technology center in Nashua; to build a health education center in Concord; and to renovate the Pease campus.

As a state we have a responsibility to care for our most vulnerable citizens. This budget preserves and strengthens our commitment to those with the greatest need. I want to make sure all New Hampshire seniors have the chance to live their lives with the dignity and the respect that they deserve. That's why this budget funds Meals on Wheels, wheelchair van transportation and increases by \$5.4 million funding to help more of our seniors stay in their own homes and in their own communities. We need to increase our capacity to help care for people with developmental disabilities, to give them the opportunity to live their lives to the fullest. That is what this budget allows us to do, by providing the funding necessary to eliminate the expected developmental disabilities waitlist over the next four years. Last year, a tragic fire in Tilton killed three people with developmental disabilities and their caregiver. After that fire, I asked the Fire Marshal and the Department of Health and Human Services to develop recommendations for improving the safety of these group homes. This budget provides funding to begin implementing these recommendations, making group homes for the developmentally disabled safer.

With access to the right medication and assistance, people diagnosed with HIV and AIDS can live long and productive lives. The federal government recently cut funding that helped New Hampshire citizens living with AIDS receive transportation and food and most importantly medication assistance. This budget replaces those funds by providing \$1 million each year.

Every child in New Hampshire should have access to health insurance. Health insurance for children is relatively inexpensive, and it will save us money in the long term. We all pay when families are forced to seek more-expensive emergency room care; when preventable illnesses turn into chronic diseases; and when children aren't healthy enough to learn in school. This budget expands outreach so that more families know about Healthy Kids Children's Health Insurance Program and can get the help that they need to enroll. Children's Health Insurance is a smart investment for our state, and the right thing to do for our kids. And with this budget, over the next three years, we will be able to provide health insurance to an additional 10,000 children.

Lead paint poisoning remains one the most dangerous – yet preventable – public health hazards for our children. It is time that we take action to reduce the incidence of lead paint poisoning in children, and this budget provides the funding to do just that. This fall I established a Lead Poisoning Task Force to make recommendations as to how we can strengthen our laws. Now, I ask this legislature to adopt the recommendations of the Task Force. When one child is found with lead poisoning, the Department of Health and Human Services should be allowed to inspect all the units in that building. And inspections should be triggered when the damage to children's health begins, at 10 micrograms per deciliter – just as the Centers for Disease Control recommends.

We want more of our families to move from welfare into sustainable employment. We should help them, by removing some of the barriers they face. Families need transportation to get back and forth to work. They need safe child care for their children. That's why this budget increases transportation assistance and child care co-pays for people working to leave welfare. Let us come together to give our families the helping hand that they need to build better lives for themselves.

We owe our veterans a huge debt, and this budget meets our commitment to provide them with the care and respect that they deserve. It increases funding for the Veterans Home by \$10 million over the biennium to hire new direct care staff, to pay for medication, and to care for an additional 50 veterans. Our veterans sacrificed to protect us, let us show them our gratitude.

And to fund these critical health and human service programs and other services, this budget also includes a 28-cent increase in the tobacco tax. This proposal keeps the rate of our tobacco tax well below that of our neighboring states. And it also allows us to accomplish an important public health goal – deterring young people from smoking.

One of the most fundamental duties of state government is to protect the safety of our citizens. I recently created the New Hampshire Crime Commission to make comprehensive recommendations on how we can improve public safety here in New Hampshire. But there are steps that we must take now to protect our citizens. Despite our growing population, New Hampshire has too few state troopers patrolling our roads and assisting our local police departments. That is why this budget funds the seven new trooper positions we created last year and will add six additional state troopers over the biennium.

I believe we must crack down on the crimes of the 21<sup>st</sup> century. I am working with the Attorney General on legislation to toughen penalties on people who use the Internet to prey on our children. We must recognize these crimes present new challenges to prosecutors and law enforcement. To help our police departments and local prosecutors do everything possible to protect children, this budget funds a new Internet Crimes Prosecutor.

We must strengthen New Hampshire's Department of Corrections. New Hampshire recently lost a lawsuit because the state failed to meet commitments it made in 1993 to better care for mentally ill prisoners. This budget provides the funding necessary to better meet our legal obligations.

We must also develop a secure psychiatric center to house people who are civilly committed and present an ongoing danger to our community. A study committee recommended using the Tobey School on the grounds of the New Hampshire Hospital for this purpose. I have questions about whether this is the right location, whether it will meet our state's long-term needs, and whether the high cost of its conversion is the best value for our taxpayers.

We need a strategic plan for our Corrections System. The Women's Correctional Facility in Goffstown is inadequate. The Lakes Region Facility needs major capital repairs. The men's prisons in Concord and Berlin are overcrowded. That is why this budget funds a study of all of our corrections facilities to develop a master plan and to recommend the best option for a secure psychiatric facility. But we must begin work now. We built the Northern Correctional Facility to allow it to be easily expanded. And this budget includes \$10 million to begin work this biennium expanding the prison in Berlin.

In the aftermath of the October and Mother's Day floods, I was impressed by the work of our Dam Bureau at the Department of Environmental Services – their knowledge and dedication helped save lives. But we need to do more, however, to make sure our dams are safe. This budget will allow us to increase inspections and maintenance of dams. And the capital budget funds repairs to nine state-owned dams. This budget also moves responsibility for Fish and Game dams to the Department of Environmental Services, both to make management of state-owned dams more efficient and to help address the Fish and Game Department's budget.

Hunting and fishing are important recreational activities for our families and attract visitors to New Hampshire. It's important to me, and important to our economy, that we protect the long-term

interests of hunting and fishing and wildlife habitat conservation in our state. New Hampshire's Fish and Game Department faces financial challenges. We balanced its budget by eliminating long-term vacant staff positions – as we did at many other agencies; reducing the agency's expenses; and by instituting an auction for moose hunting permits, as our neighboring states of Maine and Vermont already do. The budget does not lay off any Fish and Game employees. It preserves Conservation Officer positions, even those which are currently vacant, and protects the core functions of Fish and Game. It keeps the Fish and Game fund in the black through this biennium, while we continue to work on how to best serve the interests of New Hampshire's hunters and fishermen for the long-term, and on the right model to achieve that goal.

As Governor, I have the opportunity to visit every part of New Hampshire. I continue to be awed by our state's natural beauty – its mountains, forests, lakes, rivers and Seacoast. Our environment is part of what makes New Hampshire so special, and is a vital economic asset to our state. This budget commits to protecting our environment and natural resources for the future. It funds more than \$32 million in environmental grants to communities to help them maintain their clean water and to protect their water supplies.

As our state's population continues to grow, some of our most beautiful places are in danger of being lost to us forever. That is why this budget recommit to the Land and Community Heritage Investment Program with a \$12 million investment over the biennium.

We also must care properly for those historic treasures already entrusted to the custody of the state. From the Robert Frost Home in Derry to the Wentworth Coolidge Mansion, some of our most historic places are falling into disrepair. This budget funds a new Bureau of Historic Resources to help maintain and preserve New Hampshire's history.

I believe that our state parks are treasures; treasures that provide countless hours of enjoyment for our citizens and for our visitors. We must continue to work to make sure that our state park system is vibrant, and meets the demands of our population – as we did last year when we created a new ATV park in Berlin. This budget provides the funding necessary to help purchase Temple Mountain and to add it to the state park system.

Last year, this legislature created a study commission to address how we meet our responsibility to protect our parks for future generations. And we must look at making a long-term commitment to upgrading our state parks here in New Hampshire. And this budget begins that investment and implementing the commission's recommendations, with \$6 million in capital funds to begin repairs and renovations at our state parks across the state – it's the first system-wide capital investment in our parks since 1963.

I would like to take a moment to thank my budget director, Linda Hodgdon for all the great work that she did in helping to prepare the budget – I don't think she has slept in three months.

Our work on this budget is one of the most important things that we will do together in the next two years. It is through the budget that we establish our priorities for the upcoming two years. I look forward to working closely with all of you to set the course for a stronger and for a better New Hampshire. I am confident that under the able leadership of the Speaker and Senate President and your finance chairs, you will give this budget a fair hearing and work with me and each other to make smart, fiscally responsible choices for New Hampshire's future.

Working together, Democrats and Republicans, we will enact an honest and balanced budget – a budget that invests in our future and puts the needs of our people first. Thank you all very much.

Rep. Wallner and Sen. Foster moved that the Joint Convention arise.  
Adopted.

The Joint Convention adjourned.

## HOUSE SESSION

(Speaker Norelli in the Chair)

The Speaker reconvened the House session.

## MOTION TO VACATE

Rep. Pantelakos moved that the House vacate the reference of **HB 584**, raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age, to the Committee on Criminal Justice and Public Safety.

Adopted.

The Speaker referred **HB 584** to the Committee on Children and Family Law.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Wallner moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 105**, repealing the parental rights and responsibilities and child support impact seminar requirement, removed by Rep. Rochette.

**HB 58**, requiring municipalities to establish volunteer civilian police review boards, removed by Rep. Timothy Robertson.

**HB 230**, relative to the use or occupation of public ways, removed by Rep. Jasper.  
Consent Calendar adopted.

**HB 80**, relative to breast-feeding. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel C. Itse for Children and Family Law: The committee found that the proposed amendment to the law would be no more protective of nursing mothers and their children than the current law. The committee believes the public will be better served by education of new mothers and proprietors. Therefore, the Chair shall write a letter on behalf of the committee to organizations such as the NH Hospital Association, the NH Retailers Association and the LaLeche League that, while there is a necessity for discretion, to restrict or limit the right of a mother to breast-feed her child in public is discriminatory in the State of New Hampshire. Vote 18-0.

**HB 86**, establishing a committee to study educational and social services programs that serve families with children 6 years old and younger. **OUGHT TO PASS.**

Rep. Anne C. Grassie for Children and Family Law: The committee established by this bill will study program governance, mission, funding, eligibility criteria and participation, location and service area and methods of accountability. The intent is to ensure a more effective use of resources. Vote 18-0.

**HB 44**, relative to the authority of animal control officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The bill came in inserting animal control officer into the law to clarify who had authority other than law enforcement over animals running at large, or creating a nuisance. The committee removed the wording animal control officer and replaced it with "or any other person authorized by the town." This is the only change in the law. Vote 18-0.

#### Amendment (0029h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the authority of authorized persons to take custody of nuisance dogs.

Amend the bill by replacing section 1 with the following:

1 Dogs a Menace; Custodial Authority of Authorized Persons. Amend RSA 466:31, III(b) to read as follows:

III.(a) Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, or otherwise effectively abating a nuisance found such under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall have the person's dog taken into custody by the police of the city [or], constable of the town, *or other person authorized by the town* and such disposition made of the dog as the court may order.

Amend the introductory paragraph of RSA 466:31-a, II as inserted by section 2 of the bill by replacing it with the following:

II. Any person who violates any of the provisions of RSA 466:31 shall be liable for a civil forfeiture, which shall be paid to the clerk of the town or city wherein such dog is owned or kept within 96 hours of the date and time notice is given by any law enforcement officer *or other person authorized by the town* to the owner or keeper of a dog in violation of RSA 466:31. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for the following violations:

#### AMENDED ANALYSIS

This bill allows persons authorized by the town to take custody of nuisance dogs.

**HB 114**, relative to the statement of purpose in the statewide education improvement and assessment program. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Timothy Dunn for Education: The committee voted to ITL this bill by a bipartisan vote of 14-2. This bill would change RSA 193-C:1 by taking the word "democracy" out of the statute to be replaced by "our constitutional republic pursuant to Article IV, Section IV of the Constitution of the United States of America." It is the consensus of the committee that the word "democracy" should remain. Vote 14-2.

**HB 167**, relative to areas of assessment required under the statewide improvement and assessment program. **OUGHT TO PASS.**

Rep. J. Timothy Dunn for Education: This bill is a request of the Department of Education. As a result of No Child Left Behind (NCLB) and Frameworks, current statutes need to be updated. Specific changes occur in RSA 193-C:5 adding civics and economics to the list of tested areas as well as some grammatical changes. Also changed is RSA 193-C:6. This change reflects current testing in grades 3 through 8 and one year in high school. Vote 18-0.

**HB 34**, establishing a committee to study barbering and barbering training. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell C. Day for Executive Departments and Administration: The purpose of this bill was to formulate a study commission to examine the availability of barbering instruction in the State of New Hampshire. Currently, there is another bill which addresses the concerns brought up in testimony regarding this bill as well as other aspects of barber training. The conclusion of the committee was that the other bill was more conclusive and therefore this bill is inexpedient to legislate. Vote 17-1.

**HB 54**, establishing a commission to study automobile recycling issues, including disposal fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carl G. Robertson for Executive Departments and Administration: This bill is similar to HB 573 from 2006 which was passed by the Environment and Agriculture Committee with a vote of 18-0 and passed the House on the consent calendar. The bill eventually went to a committee of conference. However, no conference report was filed. The committee heard strong testimony on the complex hazards the modern automobile presents to individuals and the environment. Information from the Department of Environmental Services indicated that this problem will become worse as more and more modern cars are taken off the road. The committee felt that it is important for the state to be ahead of this problem and not react after the damage has been done. A study commission would allow us to bring all potential issues before the people. The results from this commission study will determine future legislation. The original bill was amended to add one member of the Northeast Resource Recovery Association to replace one member from New Hampshire the Beautiful on the commission. It was also felt that the commission's findings should be reported to the Executive Departments and Administration Committee and the Environment and Agriculture Committee as well as the Speaker of the House, President of the Senate and the Governor. Vote 19-0.

#### **Amendment (0017h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study automobile recycling issues.

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission to study automobile recycling issues.

Amend section 2 of the bill by replacing subparagraph I(k) with the following:

(k) One representative from Northeast Resource Recovery Association, appointed by said association.

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall study the adequacy of the state's regulatory system and the industry infrastructure currently used to recycle and dispose of end-of-life motor vehicles and to make recommendations for change and determine if current practices are adequate to protect the environment.

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the chairperson of the house executive departments and administration committee, the chairperson of the environment and agriculture committee, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

#### AMENDED ANALYSIS

This bill establishes a commission to study automobile recycling issues.

**HB 43**, relative to the procedure for establishing medicaid reimbursement rates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: This bill provides for a reporting method for work done by the Department of Health and Human Services in the review and setting of Medicaid reimbursement rates. Further, the bill provides for clarity and transparency to ensure that rate increases for Medicaid services provided to New Hampshire citizens are reviewed in a timely manner. To that end, the bill requires a biennial report to the legislature as well as yearly reports to the Health and Human Services Oversight Committee to ensure this goal is achieved. In addition, the bill will allow Medicaid service providers and others an accessible forum within the department to address and propose rate adjustments that will promote a competitive and viable future for these important service resources. However, the one and two year provider reviews as detailed within the bill are not intended to replace or revise existing rate setting reviews as provided for in existing statute such as the current six month review of nursing home rates provided for in RSA 151-C. Vote 19-0.

#### Amendment (0005h)

Amend the introductory paragraph of RSA 126-A:18-b, I as inserted by section 1 of the bill by replacing it with the following:

I. Every 2 years, the department of health and human services shall review Medicaid reimbursement rates based on:

Referred to the Committee on Finance.

**HB 137**, relative to food safety in restaurants. **OUGHT TO PASS.**

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: The purpose of this bill is to establish a program of certified food protection managers in restaurants. The risk of food borne illness produced by new infectious agents and larger at risk populations requires increased protection through the efforts of the certified protections manager program which supplements the existing New Hampshire state food protection visits. This program shall not apply to the following non-profit entities which do not offer regularly scheduled weekday meal service: extracurricular school events, non-profit sporting events, religious activities and non-profit service organizations. The New Hampshire Lodging & Restaurant Association, local health personnel, the New Hampshire Food Safety Alliance, and United Grocers all support this bill. There is no fiscal note required. Vote 17-0.

Referred to the Committee on Executive Departments and Administration.

**HB 148**, establishing a commission to study pharmaceutical costs and the 340B Drug Pricing Program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank G. Case for Health, Human Services and Elderly Affairs: This bill establishes a commission to study the feasibility of expanding the use of the 340B Federal Drug Pricing Program for low income, under-served populations, which may also be available to state and county inmates. This program offers discounts significantly greater than Medicaid for certain pharmaceuticals. There is also potential to serve some Medicaid patients. The amendment stresses the cost saving possibilities and also instructs the New Hampshire Board of Pharmacy to appoint a pharmacist with experience in 340B areas. Vote 18-0.

#### Amendment (0091h)

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission to study obtaining greater efficiencies and cost savings in public pharmaceutical costs through increased participation in the federal 340B Drug Pricing Program with particular emphasis on Medicaid and inmate populations.

Amend subparagraph I(i) of section 2 of the bill by replacing it with the following:

(i) A representative of a 340B contract pharmacy, appointed by the New Hampshire pharmacy board.

#### AMENDED ANALYSIS

This bill establishes a commission to study obtaining greater efficiencies and cost savings in public pharmaceutical costs through increased participation in the federal 340B Drug Pricing Program.

**HB 113-FN**, relative to interference with constitutional and lawful rights. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony R. DiFruscia for Judiciary: The bill attempts to make it a felony for anyone to interfere with another's constitutional and lawful rights. Although the bill is well-intended, the committee believes the bill was too loosely drawn. The present laws of both the state and federal government already enhance punishment for offenders of constitutional and lawful rights of individuals. Vote 19-0.

**HB 162**, relative to liability for costs, fees, and certain expenses incurred by a defendant where the court finds the defendant's conduct is justifiable. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Judiciary: The committee feels that the payment of attorneys' fees and other damages should remain in accordance with existing law. The bill fails to adequately define the conduct that would justify an award of attorneys' fees and costs and the bill does not apply equally to plaintiffs and defendants. Vote 17-0.

**HB 42**, requiring zoning ordinances to encourage preservation or restoration of stone walls. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jessie L. Osborne for Municipal and County Government: This bill, as amended, would encourage the preservation and restoration of stone walls with an exception to prevent the impediment of agricultural uses. The committee believes that the state of New Hampshire is historically well known for its stone walls. Stone walls are considered a tourist attraction, and therefore legislation should encourage, not mandate, their preservation or restoration by putting this concept in statute. Vote 17-1.

#### Amendment (0020h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to resource protection sections of local master plans.

Amend the bill by replacing section 1 with the following:

1 Master Plan; Optional Sections; Resource Protection; Stone Walls. Amend RSA 674:2, III(h) to read as follows:

(h) A section which identifies cultural and historic resources and protects them for rehabilitation or preservation from the impact of other land use tools such as land use regulations, housing, or transportation. *Such section may encourage the preservation or restoration of stone walls, provided agricultural practices are not impeded.*

#### AMENDED ANALYSIS

This bill allows the optional resource protection section of a local master plan to include encouragement of the preservation or restoration of stone walls.

**HB 63**, allowing counties to regulate conflicts of interest in elected and appointed county officers and employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: The amendment states that the "conflict of interest" ethics code needs to cover county officials, employees or their agents as well as the executive branch of government. The bill, as amended, mirrors the language in RSA 21-G:22. The committee felt that this code of ethics regarding conflict of interest needs to be placed in RSA 30-A which covers "Restrictions and Prohibitions for County Officials." Vote 19-0.

#### Amendment (0023h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to conflicts of interest involving county officers and employees.

Amend RSA 30-A:3 as inserted by section 1 of the bill by replacing it with the following:



30-A:3 Conflict of Interest. All county officers, employees, or agents thereof shall avoid conflicts of interest. County officers, employees, or agents thereof shall not participate in any matter in which they, or their spouse or dependents, have a private interest which may directly or indirectly affect or influence the performance of their duties.

#### AMENDED ANALYSIS

This bill requires county officers, employees, and their agents to avoid conflicts of interest.

**HB 72**, relative to the payment of municipal sewage assessments. **OUGHT TO PASS.**

Rep. Larry Brown for Municipal and County Government: This housekeeping bill, prepared at the request of the Winnepesaukee River Basin Program (WRBP) with membership agreement, changes certain assessment and payment adjustment dates to bring current practice in compliance with statute and meet accounting standards with no additional cost or financial penalty to the municipalities served by the WRBP sewage deposit facilities. Vote 17-0.

**HB 107-L**, authorizing towns to charge property owners for solid waste removal. **OUGHT TO PASS.**

Rep. Bennett F. Moore for Municipal and County Government: This bill allows towns which charge for solid waste removal to place liens on properties and to use other collection techniques to collect such costs when invoices issued for such service are not paid by the property owner. Vote 17-0.

**HB 111**, relative to county employment for Sullivan county. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for Municipal and County Government: What this bill does is to require the Sullivan County Commissioners to get permission from the executive committee of the county delegation prior to establishing or hiring any management or superintendent position. In addition, the bill requires a majority vote of the executive committee and the county commissioners to employ a person for those positions. The only testimony in favor of the bill came from the sponsor. There was testimony from the county administrator that the sponsor failed to consult with any county administrator in reference to the bill. There was testimony from a Sullivan county commissioner and representative that opposed the bill stating that the current system in Sullivan County is working very well. The committee feels that passing this bill would be interfering with the duties of the county commissioners to manage their county affairs. Vote 14-0.

**HB 115**, relative to the procedure for counties to apply for, accept, and expend federal, state, or other grants. **OUGHT TO PASS.**

Rep. Larry Brown for Municipal and County Government: This bill clarifies and mandates the chain of command knowledge, acceptance, and approval by the county commissioners of grants from any source and further specifies that such funds be expended only under the terms of the grant and only with the oversight permission and agreement of the commissioners. This bill would prevent departments from accepting grants which might further encumber the county for additional expenses without the commissioner's knowledge. Vote 15-1.

**HB 197**, relative to a tax credit for service-connected disability. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: This bill would provide for an optional pro-rated tax credit administered at the local level. The committee would like to be on the record that we all owe a debt of gratitude to all our veterans – disabled or not. Currently the veteran credits are listed in RSA 72:28 which covers veterans and surviving spouses of qualifying wars. Last year these exemptions were updated to include any war or armed conflict that has occurred since May 8, 1975. The federal Department of Veterans Affairs regulates the percentage and rating of any disability. The New Hampshire veteran tax credits are listed in RSA 72:35 which covers veterans with service-connected total disabilities. If a veteran is not eligible for this tax credit, then there are exemptions at the local level that can be applied for – elderly, disabled, blind, deaf – and deferral of property tax payments. Also, the local governing body under their statutory authority for “just cause” may grant another avenue for relief. This bill would require that the local officials track all the changes, which are many, made by the federal government for varying amounts of time which is changed often. The committee felt that work in the past four years has given the balance between the veteran's needs and the needs of the taxpayers that will pick up the shifted cost. Vote 15-1.

**HB 198-FN**, relative to collection of taxes on land with a discretionary easement and relative to the calculation of penalties applied to tax-deeded properties. **OUGHT TO PASS.**

Rep. Timothy Butterworth for Municipal and County Government: This bill clarifies the RSAs relating to the way a town computes the 15% tax lien penalty or a penalty on discretionary easements. The law as now written states that the assessed value of the land will be adjusted by the most recently available equalization ratio, which might be several years and thousands of dollars different from the equalization ratio of the year the property was deeded. This bill requires that towns use the ratio for the same year as the tax deed. Vote 16-0.

**HB 96-FN-A**, relative to the replacement of the Neil Underwood bridge over the Hampton River and making a capital appropriation. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: This bill would have appropriated \$40 million in bonded funds for the replacement of a bridge over the Hampton River. The bonds would have been repaid through a toll on the bridge. The committee felt that the issue of replacing this bridge should be taken up in the state's 10 Year Transportation Plan. This plan is currently under review and will be taken up by the General Court in 2008. Vote 15-0.

**HB 108-FN-A**, making a capital appropriation for Merrimack district court facility improvements. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene G. Chandler for Public Works and Highways: This bill deals with making a capital appropriation for the Merrimack District Court. The testimony before the committee established the Merrimack facility was the third priority for the Judicial Branch. These types of issues should be dealt with within the content of the capital budget which will be before the legislature this session. The Merrimack Court facility will be discussed along with other court proposals during the capital budget bill process and the sponsors are welcome to provide testimony at that time. Vote 15-0.

**HB 124**, establishing a committee to study enhancing electricity infrastructure. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene F. Andersen for Science, Technology and Energy: This bill seeks to establish a committee looking to the future electrical needs of the state. The committee noted that these issues are being currently reviewed comprehensively by the Energy Policy Commission created by the legislature in the 2006 session with report due December 2007, as well as by the permanent Energy Policy Advisory Board and the Public Utilities Commission. The committee therefore, feels that the intent of this legislation is currently being fully addressed. Vote 13-0.

**HB 104-FN**, relative to renewal of drivers' licenses by certain national guard members. **OUGHT TO PASS.**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: It is an undue hardship to force deployed guardsmen and women to take time out to renew their drivers' licenses in the middle of a demanding or hazardous deployment. Many places such as car rental, check cashing or airports require a valid driver's license. The cost to the DMV and the State of New Hampshire is so minimal it is just the right thing to do. This would grant deployed National Guard personnel the same status as active duty New Hampshire service members serving outside the state when their license comes up for renewal. Vote 13-0.

**HB 161**, renaming the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: There was an error in drafting this proposal. The sponsor intended it to be a House Concurrent Resolution. The General Court does not have the authority to name federal buildings. A resolution to our US congressmen would be appropriate, especially as one of them is presently working on naming the Manchester VA Hospital after Styles Bridges. The proposal will be re-filed as an HCR. Therefore this bill is Inexpedient to Legislate. Vote 13-0.

**HCR 2**, urging the federal government to establish a post office and a zip code in the town of Lee. **OUGHT TO PASS.**

Rep. Lawrence M. Kappler for State-Federal Relations and Veterans Affairs: The major concern is emergency information is dispatched by zip code. Without its own zip code, Lee only receives emergency information destined for Durham. During the recent flood, Lee failed to receive criti-

cal emergency information due to having the Durham zip code. Lee's population has increased 20% since 2000. The Durham Post Office is very busy, has long lines, inadequate parking and is 12 to 15 miles from residents' homes. Vote 15-0.

### REGULAR CALENDAR

#### **HB 126**, relative to the definition of "school." **OUGHT TO PASS.**

Rep. J. Timothy Dunn for Education: This bill is a request of the Department of Education. The state school board took action relating to school standards by building more flexibility into the length of the school year. The school year can now be computed in hours to allow a district more leeway in scheduling. The changes occur in RSA 189:1 and RSA 189:2, both having to do with the length of the school year. Vote 14-3.

Committee report adopted and ordered to third reading.

#### **HB 173-FN-A**, relative to the promotion, acquisition, and retention of a large animal veterinarian in the north country, and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Virginia L. Heard for the Majority of Environment and Agriculture: The majority determined that our state has a shortage of veterinarians that provide care for large animals, particularly in the counties of Coos, Carroll, Grafton, and Belknap. This bill proposes an educational cost reimbursement program. This financial incentive will apply to veterinarians who agree to establish a large animal practice in the state of New Hampshire and maintain that practice for a period of three years. This program is similar in nature to business R & D startup cost reduction programs that the legislature has supported in the past. The bill originally proposed that the program be specific to the four northern and western counties. Because the same need exists in other areas of the state, the bill was amended to extend the program to the entire state, based on need and with consideration given to Coos, Carroll, Grafton and Belknap counties, where it was determined the greatest need exists. The program will be administered by the state veterinarian, and a non-lapsing fund will be created to hold both appropriated and donated monies for the program. Part of our discussion, which convinced the committee that this bill should go forward, involved a concern about the possible outbreak of transmittable animal disease, either through natural causes or as the result of bioterrorism. Veterinarians in private practice are our first line of defense in identifying and controlling these threats. Vote 16-2.

Rep. Steve Vaillancourt for the Minority of Environment and Agriculture: Although this bill, if passed, has to go to the Finance Committee where it will receive further review, the Minority of Environment and Agriculture could not let it go even this far without noting strong opposition. Having the state reimburse a "large animal" veterinarian a portion of his education costs establishes a very bad precedent. The free enterprise system should determine how many veterinarians exist and how much they need to charge for services to stay in business. If the state starts paying to bring in veterinarians, what is next? Paying to educate art or science teachers? Paying to educate dentists? How about paying to educate nurse practitioners? Regardless of the cost involved, never has a slope been as slippery as the one this bill sets us upon. The State Veterinarian, in fact, testified that "large animal" veterinarians have as much opportunity to recoup their education costs in private practice as do small animal veterinarians. The state should not be in the business of helping out one particular type of enterprise at the expense of all others. Proponents of this bill, not content with simply flying in the face of capitalism, felt the need to argue that this bill would help stop the spread of mad cow disease or equine encephalitis. If we are counting on this bill to protect us in that regard, we are only fooling ourselves. Socialized medicine is one thing; socialized veterinary medicine is quite another; socialized veterinary medicine for only large animals is yet a further step toward a truly socialist state which the minority shudders in asking our state to take.

### **Majority Amendment (0085h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the promotion, acquisition, and retention of a large animal veterinarian in those areas of the state where there is a need, and making an appropriation therefor.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Large Animal Veterinarian Education Repayment Program. Amend RSA 425 by inserting after section 24 the following new subdivision:

**Large Animal Veterinarian Education Repayment Program**

425:25 Large Animal Veterinarian Education Repayment Program Established. The state veterinarian shall administer a program for the promotion, acquisition, and retention of a large animal veterinarian in the state in those areas where there is a need, with special consideration given to the counties of Coos, Carroll, Grafton, and Belknap. A qualifying veterinarian shall have at least 35 percent of his or her veterinary practice devoted to large animal veterinary medicine.

425:26 Application; Repayment. An individual who has completed his or her veterinary medical education, including internships and residencies, and agrees to practice as a licensed veterinarian in an area of this state where there is a need which may include Coos, Carroll, Grafton, and/or Belknap counties, may apply to the state veterinarian for repayment under the large animal veterinarian education repayment program and have reimbursed up to 20 percent of his or her qualifying veterinary education costs for each 3 full years of practice agreed to.

425:27 Fund Established. There is hereby established in the office of the state treasurer a fund to be known as the large animal veterinarian education repayment fund. The fund shall include any sums appropriated for such purpose. In addition, the state veterinarian is authorized to accept public sector and private sector grants, gifts, or donations of any kind for the purpose of funding the provisions of this subdivision. The moneys in this fund shall be nonlapsing and shall be continually appropriated to the department of agriculture, markets, and food. The fund may be expended by the state veterinarian to accomplish the purposes of this subdivision. The state treasurer may invest moneys in the fund as provided by law, with interest received on such investment credited to the fund.

425:28 Administration; Rulemaking. The state veterinarian shall adopt rules, pursuant to RSA 541-A, relative to procedures, eligibility, and qualifications for applicants, qualifying educational costs, criteria for terms of service by a large animal veterinarian, procedures for repayment of education costs, and the administration of the program by the department of agriculture, markets, and food.

**AMENDED ANALYSIS**

This bill establishes the large animal veterinarian education repayment program for the promotion, acquisition, and retention of a large animal veterinarian in those areas of the state where there is a need, including the north country. This bill makes an appropriation to the program.

Rep. Vaillancourt spoke against.

Rep. Itse spoke against and yielded to questions.

Reps. O'Connell and Snow spoke in favor.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

**YEAS 191 NAYS 127****YEAS 191****BELKNAP**

Pilliod, James	Russell, David	Wood, Jane
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**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia	Knox, J. David		

**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butynski, William
Chase, William	Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter
Lerandean, Alfred	Loll, Thomas	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

**COOS**

Hatch, William	Merrick, Evalyn	Merrick, Scott	Theberge, Robert
Thomas, Yvonne			

**GRAFTON**

Aguir, James  
Cooney, Mary  
Hammond, Lee  
Nordgren, Sharon

Almy, Susan  
Estes, Carole  
Harding, A Laurie  
Pierce, David

Benn, Bernard  
Friedrich, Carol  
McLeod, Martha  
Preston, Philip

Bleyler, Ruth  
Gionet, Edmond  
Mulholland, Catherine  
Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Cote, Peter  
Essex, David  
Garrity, Patrick  
Hansen, Ryan  
Jean, Claudette  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
O'Brien, Michael Sr  
Pilotte, Maurice  
Smith, Sandra

Beaulieu, Jane  
Campbell, David  
Daler, Jennifer  
Fontas, Jeffrey  
Gorman, Mary  
Harvey, Suzanne  
Kaelin, Michael  
Leishman, Peter  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Connell, Timothy  
Reuschel, Michael  
Sullivan, Daniel

Beck, Catriona  
Clemons, Jane  
Day, Russell  
Foster, Linda  
Hackel, Paul  
Holden, Randolph  
Knowles, John  
Lessard, Rudy  
Mack, Ron  
Messier, Irene  
O'Neil, James  
Rochette, Eric  
Sysyn, Mary

Bergin, Peter  
Cote, David  
Edwards, Andrew  
Gargas, Carolyn  
Hammond, Jill  
Irwin, Anne-Marie  
Knowles, Mary Ann  
Levesque, Melanie  
Marshall, Seth  
Movsesian, Lori  
Peterson, Andy  
Rosenwald, Cindy  
Velez, Hector

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
DeStefano, Stephen  
Greco, Vincent  
Kidder, David  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Beauchesne, Suzanne  
Clarke, Claire  
Ehlers, Eileen  
Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Bouchard, Candace  
Davis, Frank  
Foote, Robert  
Hamm, Christine  
Oliver, James  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary

Brown, Carole  
DeJoie, John  
French, Barbara  
Kelly, Sally  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

**ROCKINGHAM**

Borden, David  
Casey, Kimberley  
Grote, Otto  
McEachern, Paul  
Nord, Susi  
Russell, Trinkia  
Winchell, George

Brown, C. Pennington  
Day, Judith  
Johnson, Robert  
McKenna, Daniel  
Pantelakos, Laura  
Snow, Richard

Buxton, Donald  
DiFruscia, Anthony  
Kennedy, James  
Moody, Marcia  
Powers, James  
Splaine, James

Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Kepner, Susan  
Moore, Bennett  
Robertson, Carl  
Wells, Roger

**STRAFFORD**

Berube, Roger  
Burke, Rachel  
Hofemann, Roland  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Brennan, William  
DeChane, Marlene  
Hutz, Sarah  
Rollo, Deanna  
Smith, Marjorie

Brown, Julie  
Fargo, Thomas  
Kaen, Naida  
Rollo, Michael  
Sprague, Dale

Brown, Larry  
Grassie, Anne  
Mickelsonis, Shawn  
Rous, Emma  
Vachon, Dennis

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Skinder, Carla

Donovan, Thomas  
Houde, Matthew

Franklin, Peter  
Jillette, Arthur Jr

**NAYS 127****BELKNAP**

Allen, Janet  
Heald, Bruce  
Tilton, Franklin

Boyce, Laurie  
Millham, Alida  
Wendelboe, Fran

Clark, Charles  
Morrison, Gail  
Whalley, Michael

Flanders, Donald  
Thomas, John

**CARROLL**

Ahlgren, Christopher  
Merrow, Harry

Brown, Carolyn  
Patten, Betsey

Chandler, Gene

Denley, William

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

**COOS**

Remick, William

Stohl, Eric

**GRAFTON**

Andersen, Gene

Eaton, Stephanie

Ingbretson, Paul

Matheson, Robert

**HILLSBOROUGH**

Barry, Richard  
Clark, Mark  
Drisko, Richard  
Fletcher, Richard  
Haley, Robert  
Hunter, Bruce  
L'Heureux, Robert  
Ober, Lynne  
Renzullo, Andrew  
Soucy, Connie  
Tahir, Saghir

Batula, Peter  
Crane, Elenore Casey  
Elliott, Nancy  
Ginsburg, Ruth  
Hawkins, Ken  
Infantine, William  
Lawrence, James  
Ober, Russell III  
Rowe, Robert  
Spaulding, Jayne  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Daniels, Gary  
Emerton, Larry  
Graham, John  
Hinkle, Peyton  
Jasper, Shawn  
Manney, Pamela  
Price, Pamela  
Schulze, Joan  
Spratt, Stephen  
Villeneuve, Maurice

Christensen, Chris  
Dokmo, Cynthia  
Farley, Michael  
Haefner, Robert  
Hogan, Edith  
Kurk, Neal  
Mooney, Maureen  
Reeves, Sandra  
Smith, David  
Stepanek, Stephen  
Winters, Joel

**MERRIMACK**

Anderson, Eric  
Humphries, Charlie

Blanchard, Elizabeth  
Lockwood, Priscilla

Gile, Mary  
MacKay, James

Hess, David

**ROCKINGHAM**

Abbott, Dennis  
Bettencourt, David  
Case, Frank  
Emiro, Frank  
Garritty, James  
Headd, James  
Kappler, Lawrence  
Major, Norman  
Pearson, Mark  
Stiles, Nancy  
Weyler, Kenneth

Baldasaro, Alfred  
Bishop, Franklin  
Charron, Gene  
Fesh, Bob  
Gleason, John  
Hopfgarten, Paul  
Katsakiores, George  
Marsh, Michael  
Quandt, Matthew  
Waterhouse, Kevin  
Wickson, Rick

Bedrick, Jason  
Camm, Kevin  
Dalrymple, David  
Flanders, John Sr  
Gould, Kenneth  
Ingram, Russell  
Katsakiores, Phyllis  
McMahon, Charles  
Reagan, John  
Weare, Everett

Belanger, Ronald  
Carson, Sharon  
Elliott, Robert  
Garcia, Marilinda  
Guthrie, Joseph  
Itse, Daniel  
Lund, Howie  
Packard, Sherman  
Sanders, Elisabeth  
Welch, David

**STRAFFORD**

Billian, Deborah  
Spang, Judith

Brown, Jennifer  
Watson, Robert

Domingo, Baldwin

Goodwin, Earle

**SULLIVAN**

Rodeschin, Beverly

and the majority committee report was adopted.

Referred to the Committee on Finance.

**HB 85**, establishing a study committee on awarding the deferred compensation contract to AETNA/ING. **INEXPEDIENT TO LEGISLATE.**

Rep. Alida I. Millham for Executive Departments and Administration: The Deferred Compensation Plan under RSA 101-B offers public employees an opportunity to set aside tax deferred dollars apart from the "retirement system." This bill asked for a study committee composed of legislators to study the contracting process that led to the contract with AETNA/ING. The con-

tract will be re-bid in 2008. The Deferred Compensation Plan Commission is composed of: state treasurer; commissioner of administrative services; insurance commissioner or designee; attorney general or designee, secretary of state or designee, one unclassified state employee; one public member at large; one non-classified legislative employee and member of Deferred Contribution Plan. After an in-depth hearing on the subject that explored the history of the plan, the issues regarding the contract process with ING, the class action suit against ING, and the current status of the plan, the committee determined that a study committee was not necessary at this time. Vote 14-5. Committee report adopted.

**HB 101**, relative to annual training for members of the workers' compensation appeals board. **OUGHT TO PASS.**

Rep. James F. Headd for Executive Departments and Administration: The bill seeks to reduce the annual training in workers compensation law from 20 hours to 10 hours. Members of the board are continually given training in New Hampshire law as court decisions are rendered and as legislation changes the governing law. In addition, they will now take additional training in academic courses totaling 10 hours annually. There are not enough academic programs available to fill a 20 hour program as required under current law. In order for additional academic programs to be made available, outside assistance would be required by way of hiring speakers or taking the members of the board to a program that may even be held out of state. No money is budgeted for the purpose at this time. The committee felt that in view of the professional make up at the board and the training and background required for membership that 10 hours was adequate. Vote 14-5.

Rep. Espiefs spoke against and yielded to questions.

Rep. Headd spoke in favor and yielded to questions.

Rep. Irwin spoke in favor.

Committee report adopted and ordered to third reading.

**HB 41**, relative to human immunodeficiency virus education, prevention, and control. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill, introduced at the request of the Department of Health and Human Services, is supported by the New Hampshire Medical Society and the Dartmouth Hitchcock Medical Center. The bill updates the existing statute relative to human immunodeficiency virus education, prevention and control. It repeals three provisions that are archaic, were never implemented and are superseded by OSHA and CDC regulations. In addition, the amendment adds explicit patient consent to current CDC regulations pertaining to HIV/AIDS testing. Further, it decreases burdensome paperwork by physicians while making the consent process come into line with other medical tests. Vote 19-0.

**Amendment (0022h)**

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 Consent for Testing. Amend the section heading and the introductory paragraph of RSA 141-F:5 to read as follows:

141-F:5 ~~[Informed]~~ Consent for Testing; Exceptions. ~~[Except as provided in this section, no]~~ A physician or advanced registered nurse practitioner licensed or registered to practice in this state, ~~[no]~~ *an* employee of a health care facility licensed under RSA 151, whether paid or unpaid, and ~~[no]~~ *an* employee of a blood bank, blood center, plasma center, or agency which receives blood donations, whether paid or unpaid, may test *when the patient has consented* for the presence of an antibody or antigen to a human immunodeficiency virus ~~[unless the person being tested consents after being informed about the medical interpretations of positive and negative test findings and the applicable provisions of RSA 141-F:7 and 141-F:8]~~ *in accordance with the most current testing and consent recommendations of the Centers for Disease Control and Prevention*. Testing without consent may occur in the following situations:

4 Informed Consent. Amend RSA 141-F:6 to read as follows:

141-F:6 Testing.

I. The department, or agencies operated by or under contract with the department, shall offer laboratory testing, in accordance with RSA 131, for the presence or absence of antibodies or antigens of the human immunodeficiency virus. ~~[Each sample for testing shall be submitted with a~~

~~statement signed by a physician, or by a person authorized by a physician to sign, attesting that the patient has consented to the test in accordance with RSA 141-F:5.]~~

II. All other laboratories, public or private, which test human blood or any other business or organization, public or private, which tests human blood, tissue, or other samples as part of its operations may offer to test samples for the presence or absence of antibodies or antigens of the human immunodeficiency virus. ~~[Such laboratories or other such businesses or organizations shall require that any sample for testing be submitted with a written statement signed by a physician, or a person authorized by a physician to sign, attesting that the patient has given informed consent as required under RSA 141-F:5.]~~

#### AMENDED ANALYSIS

This bill repeals certain provisions of the law relative to human immunodeficiency virus education, prevention, and control.

This bill also authorizes certain persons to test for the presence of an antibody or antigen to the human immunodeficiency virus in accordance with the Centers for Disease Control and Prevention's recommendations.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 103**, establishing a commission to study the state highway trust fund. **OUGHT TO PASS.** Rep. David B. Campbell for Public Works and Highways: Given the eroding condition of New Hampshire's state and municipal roads and bridges, the committee overwhelmingly believes that a commission is necessary to study the Highway Trust's funding and revenue needs. This commission will be charged with scrutinizing the funding levels required for the 10 Year Highway Plan, maintenance ("betterment") of the state's highway infrastructure, municipal highway block grants and state bridge aid, and to then report its findings back to the Legislature by November 1, 2007. Vote 15-2. Committee report adopted and ordered to third reading.

**HB 122**, naming a bridge in the town of Henniker after Russell M. Durgin. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Graham for Public Works and Highways: Sergeant Russell M. Durgin gave his life in defense of his country on 13 June 2006. The committee unanimously supports the naming of this bridge in his town in honor of this American hero. The amendment simply added the word "Sergeant" to the name of the bill. Vote 16-0.

#### Amendment (0040h)

Amend the title of the bill by replacing it with the following:

AN ACT naming a bridge in the town of Henniker after Sergeant Russell M. Durgin.

Amend the bill by replacing section 1 with the following:

1 Town of Henniker; Sergeant Russell M. Durgin Bridge. Pursuant to RSA 4:43, the Route 114 bridge that spans Route 202 in the town of Henniker is hereby named the Sergeant Russell M. Durgin Bridge.

#### AMENDED ANALYSIS

This bill names the Route 114 bridge that spans Route 202 in the town of Henniker in honor of Sergeant Russell M. Durgin.

Amendment adopted.

Committee report adopted and ordered to third reading.

#### BILLS REMOVED FROM CONSENT CALENDAR

**HB 105**, repealing the parental rights and responsibilities and child support impact seminar requirement. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony P. Matarazzo for Children and Family Law: Child support impact seminars were designed for parents to promote awareness of the harm they may unknowingly inflict on their children during divorce proceedings. Children can become embroiled in the battle when parents try to gain their sympathy or support by discrediting their partner. This disrupts the children's feelings to the people they love the most and can cause considerable emotional damage to the child. The testimony was clear that child support impact seminars should not be repealed. Of the over



4,300 participants who were surveyed, 65% felt the seminars were very helpful and only 1% felt it was not. 83% believe the seminars should be required. Vote 18-0.

Rep. Rochette spoke against.

Rep. Gile spoke in favor.

Committee report adopted.

**HB 58**, requiring municipalities to establish volunteer civilian police review boards. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for Municipal and County Government: This bill would require the governing body of each municipality to establish a volunteer civilian police review board. This bill would also give this civilian board very broad powers to hold meetings at such times and places and according to such procedures as it deems necessary for the purpose of hearing complaints regarding law enforcement officers or law enforcement activities within the municipality. Civilian police commissions are now in many municipalities within the state. These police commissions allow three members of the municipality to do the same duty that this bill tries to do. The police commissions are bound by RSA 91-A, that governs personnel matters. These volunteer civilian police review boards would not be so bound under this bill. While the committee believes in holding accountable practices and actions of police officers, we do not believe that this bill is necessary. Vote 18-0.

Rep. Timothy Robertson spoke against.

Rep. Theberge spoke in favor.

Committee report adopted.

**HB 230**, relative to the use or occupation of public ways. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F. Moore for Municipal and County Government: This bill would remove the ability of towns to assess property taxes on the use or occupation of the public way. Such ability was affirmed by a 2004 State Supreme Court decision and the bill would effectively reverse that decision. The committee believes that it is inappropriate to limit the town's ability in this matter. Vote 16-0.

Rep. Jasper spoke against.

Committee report adopted.

## RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 21, 2007 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 86**, establishing a committee to study educational and social services programs that serve families with children 6 years old and younger.

**HB 44**, relative to the authority of authorized persons to take custody of nuisance dogs.

**HB 167**, relative to areas of assessment required under the statewide improvement and assessment program.

**HB 54**, establishing a commission to study automobile recycling issues.

**HB 148**, establishing a commission to study pharmaceutical costs and the 340B Drug Pricing Program.

**HB 42**, relative to resource protection sections of local master plans.

**HB 63**, relative to conflicts of interest involving county officers and employees.

**HB 72**, relative to the payment of municipal sewage assessments.

**HB 107-L**, authorizing towns to charge property owners for solid waste removal.

**HB 115**, relative to the procedure for counties to apply for, accept, and expend federal, state, or other grants.

**HB 198-FN**, relative to collection of taxes on land with a discretionary easement and relative to the calculation of penalties applied to tax-deeded properties.

**HB 104-FN**, relative to renewal of drivers' licenses by certain national guard members.

**HCR 2**, urging the federal government to establish a post office and a zip code in the town of Lee.

**HB 126**, relative to the definition of "school."

**HB 101**, relative to annual training for members of the workers' compensation appeals board.

**HB 41**, relative to human immunodeficiency virus education, prevention, and control.

**HB 103**, establishing a commission to study the state highway trust fund.

**HB 122**, naming a bridge in the town of Henniker after Sergeant Russell M. Durgin.

### **UNANIMOUS CONSENT**

Rep. Larry Brown addressed the House.

### **PERSONAL PRIVILEGE**

Rep. Tahir addressed the House.

### **RECESS MOTION**

Rep. Wallner moved that the House stand in recess for the purpose of receiving Senate messages.  
Adopted.

The House recessed at 12:45 p.m.

### **RECESS**

### **(Speaker Norelli in the Chair)**

Rep. Wallner moved that the House adjourn.  
Adopted.

## **HOUSE JOURNAL No. 6**

Wednesday, February 21, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend David P. Jones.

It strikes me as too bad that the way that we celebrate the lives of two of our greatest Presidents is by combining their birthdays to create a three-day weekend on which you can purchase mattresses and tires at a reduced rate.

Do you ever wonder how people will remember and observe your service in this place during these days looking back?

Let me remind you this morning that as long as you offer your honest self to the work that is before you, it does not really matter one bit how you will be remembered. In the first place, your honest self is all you've got. Secondly, your honest self is always good enough. So offer that, but remember those in whose steps you follow.

Wise, wonderful, observant One, let each of us feel the gentle weight of Your eyes resting upon us this day. May we find the humility and the strength to offer only the best that is within us – our honest selves. Amen.

Rep. Julie Brown, member from Rochester, led the Pledge of Allegiance.

The National Anthem was sung by Glinda Allen of Hooksett.

### **LEAVES OF ABSENCE**

Reps. George Brown, DesRoches, Forsing, Hopfgarten, Oliver, Splaine and Francis Sullivan, the day, illness.

Reps. Berube, Blanchard, Butterworth, Buxton, Claudia Chase, DeChane, Domingo, Dumaine, Farley, Forest, Francoeur, Introne, McGuirk, Nagle, Serlin and Yeaton, the day, important business.

Reps. Lund, Benjamin Moore and Kimberly Shaw, the day, illness in the family.

### **INTRODUCTION OF GUESTS**

Brian Ramey and Deb Cross, friends of the singer, guests of the House. John Woodhull, Heidi, Devin and Shane Finnegan, husband, sister, niece and nephew of Rep. Skinder. Ellen, Stephane and Michael Hazera, sister, brother-in-law and nephew of Rep. Christine Hamm. Hon. Betsy Shultis, former member from Portsmouth, guest of the Portsmouth delegation. Alex DiFruscia, grandson of Rep. DiFruscia. Henry Trachy, guest of the Speaker.

### **RESOLUTION**

Reps. Wallner and Whalley offered the following: **RESOLVED**, that the House of Representatives inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of attending to an address by Chief Justice John T. Broderick, Jr. on the state of the Judiciary.  
Adopted.

### **SENATE MESSAGE**

The Senate is ready to meet with the Honorable House of Representatives in Joint Convention for the purpose of attending to an address by Chief Justice John T. Broderick, Jr. on the state of the Judiciary.

### **JOINT CONVENTION**

(Speaker Norelli presiding)

The Sergeant-at-Arms introduced the Senate and Senate President, Sylvia B. Larsen of Concord.

### **INTRODUCTION OF SPECIAL GUESTS**

The Sergeant-at-Arms introduced the following special guests: The Honorable Robert J. Lynn, Chief Justice of the Superior Court. The Honorable Edwin W. Kelly, Administrative Judge of the District Courts and Family Division. The Honorable John A. Korbey, Supervisory Judge of the Rockingham County Family Division. The Honorable David D. King, Administrative Judge of the

Probate Courts. Executive Councilors Beverly A. Hollingworth and Raymond J. Wieczorek. His Excellency, Governor John H. Lynch. The Honorable John T. Broderick, Jr., Chief Justice of the New Hampshire Supreme Court.

The Honorable John T. Broderick, Jr., Chief Justice of the New Hampshire Supreme Court addressed the Joint Convention.

### STATE OF THE JUDICIARY ADDRESS

Madam Speaker, Madam President, Governor Lynch, distinguished members of the House and Senate, my judicial colleagues, leaders of the State Bar and honored guests: I stand here today as the Chief Justice of a judicial system buffeted by change and confronted with both new challenges and new opportunities. The state courts have been fortunate to have extraordinary judges, masters and staff who are doing all they reasonably can do with the resources they have to ensure that the courts remain relevant, adaptive and responsive in this new century. But I would be less than candid this morning if I did not tell you that the state courts are under great strain. Each year we deal with more than 225,000 cases. Our staff of 596, most of whom I have gotten to know, all of whom I respect, have stepped up every single time I have asked them to, but there are limits and I believe we have reached them.

Almost everything around us is changing, often faster than we would like, and the courts need to change, too. I believe the train for this new century is leaving and we need to catch it. We are, in my view, at a critical crossroads and all of you in this great Hall will largely decide the future of the state courts and whether they will remain meaningfully open to all of our citizens and whether they will deliver timely justice. The challenge facing the state courts today is more daunting than it has ever been in my almost 12 years on the Supreme Court, but with your assistance and your support, all of us in the Judicial Branch are committed to success.

I am anxious, personally anxious to work with all of you in this legislative session to ensure that justice in our state is truly open and available to all who seek it. In my judgment, at the start of this century, we need to be bold and farsighted in our vision and our actions for the state court system. Many people who you and I will not know and likely never meet are depending on us to make sure the courts are available to them when they need them. My model of a court system is like the local emergency room; you hope never to go there, but when you go there you want to make sure the doctors and the nurses can help you. Marching in place, in my view, will no longer allow the justice system to meet its responsibilities, maintain public trust and confidence and fulfill the fundamental promises of our constitution.

When I assumed my new position as Chief Justice in 2004, I committed myself publicly to do all that I could to make justice more accessible, affordable and understandable. We are making real progress on that front. I also committed the Judicial Branch to transparency, cooperation and dialogue with the other branches of government and I believe we are standing by that commitment while at the same time honoring the independence the people of our state enshrined in Part I, Article 37 of our state constitution.

Our branches of government, yours and mine, in the discharge of their respective duties, from time to time experience awkward disagreements and conflicting points of view. Those moments are never pleasant, but they are part of the fabric of our democracy and in my view should not keep us from our larger mission. The New Hampshire constitution requires all branches of government, mine included, to cooperate and that all of us have a shared responsibility and commitment to our fellow citizens and to effective government. I am honored to be here this morning, genuinely honored to be in this Hall and I am here in the spirit of cooperation and common dedication that all of us have to the people of our state.

Let me tell you, as briefly as I can, what has transpired over the last two years before I identify the four great challenges that I see to the administration of justice and to the people of our state who use the justice system.

Two years ago the family division was in two counties and eight locations. Today, through the tireless efforts of Judges Kelly, Carbon and Korbey, their administrators and their staff, the family division will be in eight counties and 22 locations before this year is out. It represents the largest single change in the court system in a generation. It was a change initiated by this Legislature and is intended to better serve the families who face challenge, change and hardship. I am proud of our progress, of our judges, our masters and staff who have made that progress possible.

Two years ago we had no mediation in any of our district courts. Today, because of your assistance, before this month is done we will have mediation in virtually every district court site in New Hampshire for small claims cases. There are 17,000 of those cases filed every year. Many of the cases are settling. Mediation is proving a successful alternative to appearing before a judge. It gives parties both a stake and a hand in crafting a mutually acceptable solution. Parties who design their own results are more likely to live by them and it saves us money. Going forward I would like to see mediation more broadly used on a lot of district court issues and I am convinced that the expansion of ADR will pay dividends for both the people and the courts. I welcome your ideas. I need your help to make that happen.

In family division sites today, mediation plays a central role in crafting parenting plans - your idea - and helps keep the focus on children when a marriage dissolves. In the probate court where new Administrative Judge David King is now presiding, mediation is more popular than ever - and more effective than ever.

At my request, Justice Dalianis of the Supreme Court chaired a committee, which had legislative representation, to study the thoughtful use of expanded ADR throughout the Judicial Branch. The committee had broad representation, including Judges Morrill and Conboy of the Superior Court, and focused much of its attention on infusing the Superior Court with re-invigorated statewide alternative dispute resolution beyond the voluntary program; the voluntary program that exists in only four of our ten counties. The plan that they devised is based on what is currently on the ground and operating successfully in the state of Maine, not the state of California, the state of Maine, where one of the justices on the Maine Supreme Court told me it was the single best initiative they undertook in the Maine state court system. We'd like to undertake it in New Hampshire. I am confident that after public input on the proposed changes, and with your financial help, we can adopt a comparable system in New Hampshire in this calendar year. We need to build off-ramps for people. We need to build off-ramps for people in the court system and ADR expansion is absolutely critical to that mission.

In our budget, we requested a \$137,500 in fiscal year 2008 to open a system-wide Judicial Branch Office of ADR. It would have one full time administrator and would have one staff person. My expectation is that in 2009 that office would be largely self-funded through registration fees and small transaction fees. It would be the best investment you could make in the future of the state courts and it may only require one year. It's essential that we have someone in the wheelhouse monitoring quality and consistency in ADR and it won't happen without that office and I am confident that the private marketplace would welcome it. It's long overdue. It is an opportunity we cannot afford to miss.

I just came back ten days ago from a Chief Justice meeting in New Orleans where this topic was discussed among the fifty Chief Justices in this country. I am persuaded beyond certainty that you cannot have a state court system in the 21<sup>st</sup> century without alternative dispute resolution being a critical component.

Because incarceration is not always the best answer in every delinquency or criminal case, the Judicial Branch, through private grant money, now has both juvenile and adult drug courts in several district court locations and one Superior Court location. The drug courts are helping some people to turn their lives around, stay with and support their families and ultimately become productive citizens. The counties should embrace drug courts and may ultimately be agreeable to paying for them because they lessen the overall cost of incarceration. Saving money and saving lives makes sense to all of us and we need to expand the number of problem-solving courts to be certain this happens. I encourage you to help us. I need your input. I need your support.

Thanks to action in this legislature in 2002, Cheshire County over in Keene has a mental health docket for non-violent offenders. It costs more to incarcerate someone in the Cheshire County House of Correction than to medicate that same person appropriately so he or she can stay in the community with their families, report regularly to the courthouse and hopefully retain employment. Sound justice in the 21<sup>st</sup> century and sound economics are not polar opposites. The Nashua District Court, on their own initiative, established a mental health court docket recently and I congratulate Judges Leary and Bamberger for seeing the future and acting on it. We need to expand these dockets around the state of New Hampshire. Their time is here. Their promise is great.

In the Superior Court, Chief Justice Lynn has adopted individual docketing. Cases go to specific judges and stay with those judges until the cases are concluded. His leadership in that area has improved efficiency and judicial accountability. For the first time ever, the Superior Court now has

a weighted caseload. Cases are given certain weight depending on how long they should take to complete. The study is done by the National Center for State Courts in Williamsburg, Virginia. We have weighted caseloads in the District Court and the Probate Court and for the first time we have it in the Superior Court and it will allow us and you, more importantly, to know what judge time is needed to handle the dockets we have. And the weighted caseload study, recently completed, shows the need for two new Superior Court judges even after all of the divorce cases and domestic violence cases are removed from the Superior Court. A vibrant Superior Court, in my judgment, is essential to the welfare of our citizens in this new century. I hope you will support our request for these judges. They are desperately needed.

More recently, Judge Lynn and I have been discussing the establishment of a "business court docket" in a central Superior Court location to give more specialized and timely attention to disputes between and involving businesses. They exist now in about fourteen states on the East coast. Some months ago I was in Salt Lake City. I had five minutes with a Justice of the North Carolina Supreme Court in the lobby. I said, "Tell me something you are doing in North Carolina that we should be doing in my state." He asked, "You have a business court docket don't you?" I said, "No, but I'd like one." He said, "The businesses of North Carolina like it, the Governor of North Carolina likes it because when he's going out to entice businesses to come to North Carolina they say how is your court system?" It matters. The business court docket would be an opt-in system. It would improve customer service and I am convinced will be well received by the businesses in our state. I'm also of the view there is no downside risk in trying. The cost is de minimis, the value is substantial.

In June 2006, the Citizens Commission, which we appointed in April 2005, provided thoughtful and far-reaching recommendations on the needs and challenges confronting the state courts. It's an extraordinary piece of work, if you haven't read it I recommend you read it. The 100 citizens were comprised of people who were non-lawyers and non-judges. Two-thirds of them were non-lawyers and non-judges. It was chaired by two very dedicated citizens, Will Abbott, who some of you may know and Kathy Eneguess. They proceeded with no agenda. They had no restrictions on the questions they asked. There was no member of the Supreme Court on the commission and we did not channel or direct their activities.

The report makes 30 recommendations, from technology enhancement to criminal justice reform, to customer service, to staffing needs, to case processing. These are our fellow citizens who looked at the courts. And their report was the basis - their report was the bases of much of our strategic plan and budget for the next six years. In fact, for the first time in the history of the state court system, when we had a two-day retreat to talk about the needs of the court and the budget requirement of the court going forward, we selected a non-lawyer, non-judge member of the Citizens Commission to chair and facilitate that retreat. I commend the work product of that Commission to you. It reflects the wisdom of our fellow citizens and does an outstanding job of mapping the needs of the court system going forward. Long after I am no longer Chief Justice, the court system will have needs. It's not about the judges; it's about the people of our state.

More than two years ago the Supreme Court appointed a committee to study public access to court documents. It was a diverse committee and included members of this Legislature. The committee suggested rule changes on public access and they will soon go out for public comment. And I expect by the end of this year we will have a new and comprehensive policy on public access to court documents which will protect personal and confidential information in which people have a legitimate and reasonable expectation of privacy. I want to open up the courts. I want the courts to be as transparent as you have a right to expect them to be.

Finally, this court system is developing a new case management system which was a direct result of your generous appropriation a few years ago. It's currently in 13 district courts. It will eventually be at all 45 trial courts around the state. At every courthouse when that's completed there will be at least one public access terminal so the public can access forms, court files and related information without ever going to the counter. It's called the Odyssey system. The Odyssey system will eventually allow for remote access so you won't need to come to the courthouse for some information and it will serve as a platform for future electronic filing which they currently have, by the way, in the United States District Court and the Federal Bankruptcy Court. And the world in which all of us live our daytime lives is expecting that more and more. The Odyssey system will also serve as a great source for data retrieval and will ensure uniformity of process in all of our courts and allow you, allow you, the peoples elected Representatives to make sure the courts are acting as productively and efficiently as you have a right to expect. I know I have taken a lot of your

time, but I would like to take a few more minutes to tell you what I think the four great challenges are confronting the state courts. And I think they are challenges to the safe, effective, competent and efficient administration of justice, not just today, but going forward. First, the number one challenge confronting the state courts in my view is the growing number of parties who come to the courthouses in our state representing themselves. The number is growing at an alarming rate. When I went to New Orleans ten days ago for the Chiefs meeting this topic took up one day of our two day program. It's a problem confronting every Chief Justice in every state court system in America. Let me give you some numbers. In marital cases in New Hampshire, 70% of the time one or both parties represent himself or herself. In the Supreme Court where we receive about 1,000 appeals a year, in 350 to 400 of those appeals, one or both parties represents himself. I was told recently in 1986 in the Supreme Court the number was 8%. In the Superior Court, the number is close to 50%. In the District Court it's 85%. The Probate Court is close to 40%. The consequences of this phenomenon are real and we need to talk about them and we need to address them.

The staff at the courthouses spends more time at the counter and on the phone talking to people who have little or no knowledge of the process or how to use it. It's not their fault – most of these people are there because they can't afford a lawyer. I am not blaming them, but it's our reality at the courthouses. And the result is as you might expect is delay, a decline in staff morale and a legal community and client base increasingly frustrated by the time it takes to process and forward court orders which are so important to their lives. In some sites, despite the efforts of our staff, which are significant, you could wait four weeks to get an order in a divorce case. That is not a formula for excellence and it won't change if we don't look at it and change it. As the Citizens Commission recommended, and as our budget requests, we need more staff, especially case managers in the family division. These are folks who are particularly capable at assisting the self represented population which is the overwhelming number of people who come to our divorce courts. And these folks are trying to navigate the court system without a lawyer.

To help address this challenge, the Supreme Court last winter adopted an ethical rule which allows for the delivery of unbundled legal services. We are a handful of states in the country to have taken this initiative. I'm proud we took it. What it means is that clients involved in litigation can pinprick the system, hire a lawyer to help them with the small part of it that they can afford; come to court and argue a motion; draft a legal memorandum; draft a plea date or draft a libel for divorce. They win – the courts win, and we all win when justice is dispensed. Lawyers in this state add value and more parties will be able to afford them with this new rule. ADR will help and recently we joined 20 states in America. We're late to the table, but we're here ahead of 30 others. We formed an Access to Justice Commission, which is chaired by Justice Duggan of the Supreme Court and Chief Judge McAuliffe of the United States District Court to find systemic answers to the problem of the unrepresented party. How can we make sure in this new century that people have meaningful access to justice? If you and I devised a health care system where when poor people came to emergency rooms and they didn't have insurance, we said "I'm sorry, I can't diagnose your problem, but we have some fabulous text books over there with beautiful illustrations and the instruments are clean and good luck with the surgery." Everyone in this Hall would say that's immoral, but when people go to courthouses as they do every day in our state and have their lives changed without a lawyer, we think that's okay. It's not okay. I'm proud to be Chief Justice of this court system, but I am not proud to be Chief Justice on an afternoon in the Supreme Court where someone is standing in the well of our courtroom arguing for their life circumstance and not understanding their issues. Not their fault. The justice system has to do more than that. It's the single biggest problem on my desk and we need your help. The Bar Association in New Hampshire has a very proud history, very proud history of helping the poor. That has always been true in my time here in New Hampshire, but I have asked the Bar recently to do even more. In the last three months I have visited 17 law firms selected at random to make a personal appeal for even more service. And because the Bar is what the Bar is they have warmly responded. And I think the needle is starting to move. We need to stay after it and we can't expect the Bar to do it alone. If we, the courts, you the Legislature and the State Bar Association and perhaps the private sector do not confront this problem of unrepresented parties, it will soon, within this decade, swamp the administration of justice in our state. We need to deal with it now and I need your help to do that. You should be rightly proud, all of you in this Hall, of the appropriations you made in the last cycle for New Hampshire Legal Assistance. They, and we in the Judicial Branch, need your continued financial involvement in legal services for the poor. Currently there are 39 fulltime lawyers

in the state, 1% of the total Bar, serving an eligible poverty population of over 200,000 people, many of whom are children. Legal service lawyers are essential to the fair and efficient administration of justice in our state and I am asking you as the Chief Justice of this state to look favorably upon their requested budget. I also respectfully ask that you carefully consider the budget request of the New Hampshire Public Defender. They have 103 lawyers, I think, and they provide services to those who have a constitutional right to counsel. The criminal dockets in this state are growing. Their docket is growing, their caseload is growing by 6% a year and I fear that they will soon be at the breaking point and will say to all of us, "We can't handle anymore cases." I can tell you from my experience now on this court for more than a decade that their competence and diligence is essential to the fair administration of criminal justice in our state.

There is one program that I have become very enamored of and it's one of the most important programs that you will see in this budget cycle and it's not my program. It's called CASA - Court Appointed Special Advocates. These are people like you and me, most of them by the way non-lawyers, who represent the interests of children who are caught up in abuse and neglect and they do it for free and there are over 400 of them. And they do extraordinary work and they are seeking more money to hire more staff to supervise even more volunteers. Their services are indispensable for children and the courts and their value, let me assure you, their value far outstrips their costs. I urge you to support their work. Nobody, no one is more important in the justice system than an innocent child. The CASA people make a difference, a real difference in the lives of children.

Second great challenge we're facing in the court system is technology. We are certainly making strides thanks to you, but I fear at times that we are moving too slowly. I saw that recently when I was talking to law firms about pro bono. I went to a firm in Manchester which I won't identify. They had about 25 lawyers and they took me on a tour of the firm. They were showing me their technology. Their technology far exceeds the technology of the state court system. Many small law firms in the state of New Hampshire have better technology than the state courts. In 2007, the majority of judges in the state court system do not have direct access to the internet. We cannot, we, all of us, we cannot long expect the "speed of light" world to come into the paper world of the state courts. Why is that a problem? Maybe that's good that they don't come. I'll tell you why I think it's not good that they're not coming; because all of us are well served in my view if the problems that arise in our communities are resolved in public courtrooms with public input. I fear that more and more cases are fleeing to the private justice system where they don't have a record that you and I get to see and we don't get to walk into the conference room when they shut the door. The marketplace is making its own rules and deciding its own future. That's not good for the rest of us and it's not good for the state court system. The open resolution of disputes in a constitutional democracy with public input is a core value of our constitution. It's not just a good idea, it's essential. Technological advancements are essential to a vital and vibrant state court system and so I ask for your help in that area as well.

The third challenge of our four challenges is in some ways the most important because it involves our staff. We have almost 600 non-judicial staff. These are the people who make the system run everyday. They're the people who make the difference. They're the people who run the counters. They're the people that make the machine move. I will be very candid with you when I say we cannot long expect in this new era to get high quality people to come in at entry-level salaries of \$20,500 a year. If health benefits are cut, I fear some good people will leave. I'm confident some of them will leave for higher paying jobs in the private sector and that many good people won't apply. The demands on our staff are not diminishing. The demands on our staff are increasing every single day and we need, we, all of us, we need to attract the best people to work behind those counters and to deal with the people who need their help. I've met with almost all of the staff in this state who works for the courts. I have been to every courthouse. They get too little recognition, but I know their value. I have asked them repeatedly to meet challenge after challenge after challenge and they have met it, but respectfully I can't keep asking if there is no help on the horizon.

Finally, court security is a growing concern. Each morning when I drive up from Manchester to the courthouse, somewhere along those 22 miles I ask myself, "Will today be the day?" Will today be the day that I get the phone call? Our court security officers are paid \$65.00 a day. These are the people that are going to take a bullet; \$65 a day, no benefits, no mileage. Provide your own weapon and your own blue blazer. We have 17 different hand guns in use in the state court system. The people who provide court security, make no mistake about it, are extraordinary people. I have met all of them. But some of them do not have the experience or the physical agility to be a major



factor if an altercation or crisis ensues. Therefore we fully support the sheriffs who propose to assume system-wide authority for court security. Their proposal will improve training and raise standards. We hope you will look favorably on their pending legislation which is supported, I might say, by the Chiefs of Police, all 10 sheriffs and the Attorney General of New Hampshire. In her testimony a few weeks ago before the Senate Judiciary Committee in support of the sheriffs' security bill, the Attorney General said, "Now is the time." We need to reform court security and I hope we do so. I hope we do so before tragedy strikes. And it won't be a judge. It will be either a woman, in my view, at a family division site on a domestic violence or custody of a child issue. It will be some woman who will be subject to violence. It will be a member of the court staff. I do not want to get a call from a family member saying, "Judge Broderick did you know that the court system didn't have adequate security?" because there is no answer that I can give them that will satisfy them. In closing, if we are to meet these challenges, which are very, very real, if we are to meet these challenges to the administration of justice in New Hampshire, and if the courts are to meet the expectations of the people they serve, I respectfully suggest that we will need big ideas - big ideas and constructive change in the court system. Small steps, small steps and timid progress in this speed of light world will not suffice. They will, I fear, be too little, too late. We need your help. We need your counsel and we need some new resources to run the state court system.

As I leave this chamber this morning I want to thank the Speaker of the House and the Senate President for their kind invitation to speak to all of you. I particularly want to thank Governor Lynch who two years ago took time out of a busy schedule to be here and did that again today. I appreciate that very much.

Please know that my colleagues and I are committed to working closely with all of you. It's your court system; I just have the privilege to work there. I want to work closely with all of you to address the imposing challenges confronting the state courts as we head into the end of the first decade of this century. The courts belong to the people of our state and I am committed, as long as I have the privileges and opportunities and obligations of this job, to advocate on their behalf as I know all of you do here every day and the people of our state have every right to expect it.

Thank you all for listening to me this morning. Thank you for listening to me. It has been an honor to be here in the people's House. Thank you very much.

Rep. Wallner and Sen. Foster moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

## HOUSE SESSION

(Speaker Norelli in the Chair)

The Speaker reconvened the House session.

## MOTION TO VACATE

Rep. Almy moved that the House vacate the reference of **HB 613**, relative to payment for tobacco products purchased by retailers, to the Committee on Ways and Means.

Adopted.

The Speaker referred **HB 613** to the Committee on Commerce.

## MOTION TO VACATE

Rep. David Cote moved that the House vacate the reference of **HB 273**, relative to special needs trusts, to the Committee on Judiciary.

Adopted.

The Speaker referred **HB 273** to the Committee on Health, Human Services and Elderly Affairs.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Wallner moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 143**, relative to the apportionment of damages in civil actions, removed by Rep. Hunt.

**HB 84**, relative to the hours of operation of vehicle inspection stations, removed by Rep. Timothy Robertson.

Consent Calendar adopted.

**HB 117**, creating an exception for the storage of black gunpowder by historical reenactors and certain nonprofit entities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lee M. Hammond for Criminal Justice and Public Safety: Currently there is no statute governing storage of black powder for sportsmen or organizations who use black powder. The Department of Safety has an administrative rule which allows storage of up to five pounds of black powder in the original containers by sportsman and hunters. There are organizations such as historical re-enactors and other non-profit entities such as Fort Number Four in Charlestown which engage in educational activities involving the firing of the cannons for visitors and student groups. This activity involves the use of quantities of black powder in excess of five pounds. This bill exempts such non-profit groups and associations from the requirements of RSA 158 which regulates commercial storage of explosives. Federal statutes do not regulate storage of 50 pounds or less of black powder. A rule from the Department of Safety will determine a type of storage magazine to be used and determine a minimum distance from an occupied dwelling where the magazine shall be located. The Department of Safety, Fire Marshall and the licensing bureau which licenses explosives storage facilities have agreed that this measure has a public benefit. Vote 18-0.

#### **Amendment (0053h)**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

**HB 187**, establishing a study committee to determine which law enforcement agencies are responsible for enforcing civil judgments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E. Tholl for Criminal Justice and Public Safety: The committee amendment replaces the entire bill including the title that would have created a study. The committee believes that the proper enforcement agency to enforce civil judgments is the sheriff's department. Historically the sheriffs have enforced civil judgments; however, the law is silent on this issue. The bill as amended clarifies the law. The sponsors as well as the sheriffs support the committee amendment. The amendment also requires than an order of enforcement be issued at the time of judgment unless circumstances do not permit. This will limit the number of times a person is required to make an appearance in court. Vote 17-1.

#### **Amendment (0125h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing that sheriffs' departments have sole jurisdiction to enforce civil orders.

Amend the bill by replacing all after the enacting clause with the following:

1 Powers of Sheriffs. Amend RSA 104:6 to read as follows:  
104:6 Powers.

*I. Sheriffs and their deputies shall have throughout the state the same power and authority to serve criminal or civil processes, investigate crimes and to pursue and apprehend criminals that they have in their respective counties.*

*II. Notwithstanding any law to the contrary, sheriffs and their deputies shall have sole jurisdiction to enforce civil orders issued by any court. A court shall issue an order of enforcement at the same time it issues a civil judgment, unless circumstances do not permit the issuance of the order of enforcement.*

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill establishes that sheriffs' departments have sole jurisdiction to enforce civil orders.

**HB 98**, relative to the situation of landfills on land owned by municipalities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David E. Essex for Environment and Agriculture: This bill subjects waste disposal facilities on land owned and operated by one municipality within another municipality to the same land use regulations as a private entity. Its sponsors wished to close a loophole in RSA 674:54, which exempts certain government entities from local land-use regulations, but which one town could conceivably use to site a landfill in another town against its wishes. When representatives of co-operative solid-waste districts expressed concern that the original bill might adversely affect their operations, the sponsors offered compromise language that was acceded to by the cooperatives' representatives and adopted unanimously by the committee. Vote 18-0.

**Amendment (0039h)**

Amend RSA 674:54, II-b as inserted by section 1 of the bill by replacing it with the following:

II-b. The construction and operation of any solid waste disposal facility on land owned or occupied by any city or town within another city or town shall be subject to local land use regulations to the same extent as if the land were owned and occupied by a private entity. Nothing in this paragraph shall affect the construction and operation of a solid waste facility on land owned by a solid waste management district formed under RSA 53-A or RSA 53-B or any combination of municipalities authorized by an act of the general court, if the land is located within a city or town that is part of the district.

**HB 396**, establishing a commission to study autism spectrum disorders in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S. Butcher for Health, Human Services and Elderly Affairs: Autism is affecting increasing numbers of New Hampshire families (CDC now estimates 1 in 150 children), posing enormous challenges to our society, our schools, our economy, and our service systems. This bill establishes a commission to "examine and make recommendations regarding the care, treatment, and quality of life of children and adults with autism spectrum disorders and their families," with a report due July 1, 2008. The amendment adds to the commission a family member appointed by the Governor. Vote 18-0.

**Amendment (0184h)**

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) The commissioner of the department of health and human services, or designee.

(d) The commissioner of the department of education, or designee.

(e) The governor, or designee.

(f) A family member of an individual with an autism spectrum disorder, appointed by the governor.

(g) A representative of the New Hampshire Developmental Disabilities Council, appointed by the council.

(h) A representative of the Autism Society of New Hampshire, appointed by the society.

(i) A representative of the Institute on Disability, university of New Hampshire, appointed by the Institute.

(j) A representative of the New Hampshire Medical Society, appointed by the society.

**HB 245-FN**, establishing a common law court. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: Currently, the existing courts have jurisdiction over all common law not repealed or changed by statute. The courts are adequately administering the remaining common law. To create a new court in addition to the current system would be needlessly expensive and confusing. Vote 18-0.

**HB 89**, relative to strikes by public employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: This bill in its original form limited the prohibition of strikes by public employees. As a result of much discussion, the bill was replaced by the amendment to create a study committee to study methods of dispute resolution between political subdivisions and public employees in New Hampshire. Vote 16-1.

**Amendment (0030h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, all of whom shall be members of the labor, industrial and rehabilitative services committee, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study dispute resolution between local political subdivisions and public employees in New Hampshire. The committee's study may include, but shall not be limited to, the examination of:

I. The current status of labor relations, driving forces behind collective bargaining disputes, and relevant statistics.

II. Alternative methods of dispute resolution, including binding arbitration.

III. Evergreen clauses.

IV. Other states' policies on dispute resolution.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire.

**HB 99**, relative to the youth employment law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Randolph N. S. Holden for Labor, Industrial and Rehabilitative Services: The bill was amended to exempt 16 and 17 year old adolescents who earned a high school diploma or GED from youth employment laws. Vote 16-1.

#### Amendment (0134h)

Amend the bill by replacing all after the enacting clause with the following:

1 Prohibitions. Amend RSA 276-A:4, VIII to read as follows:

VIII. No youth 16 or 17 years of age, *except a youth 16 or 17 years of age who has graduated from high school or obtained a general equivalency diploma*, shall be employed by an employer unless the employer *obtains and* maintains on file a signed written document from the youth's parent or legal guardian permitting the youth's employment.

2 Certificate. Amend RSA 276-A:5, VI to read as follows:

VI. Any employer not in compliance with the requirements of **RSA 276-A:4** or this section shall be assessed a minimum civil penalty of \$100.

3 Civil Penalties. Amend RSA 276-A:7-a to read as follows:

**276-A:7-a** Civil Penalties. In addition to other penalties and remedies imposed under this chapter, the commissioner may assess a civil penalty on an employer not to exceed [~~\$1,000~~] **\$2,500** for each violation of any provision of this chapter or rule adopted pursuant to this chapter. In assessing this penalty, the commissioner shall consider the nature of the violation, the employer's history of violations and the employer's good faith.

4 Effective Date. This act shall take effect January 1, 2008.

#### AMENDED ANALYSIS

This bill:

I. Prohibits youths 16 or 17 years of age who do not have high school diplomas from working certain hours.

II. Assesses or increases certain penalties for violations of the youth employment law.

**HB 106**, relative to leave of absences to serve as a legislator. **INEXPEDIENT TO LEGISLATE.**

Rep. Sally H. Kelly for Labor, Industrial and Rehabilitative Services: The majority of the commit-

tee felt that whether a person may serve in the legislature or not should be based on an agreement between the employer and the employee rather than legislation. Vote 15-1.

**HB 231**, establishing a commission to study the municipal assessment of market value for property tax purposes and the regulation of municipal assessors. **INEXPEDIENT TO LEGISLATE.** Rep. Anthony F. Simon for Municipal and County Government: This bill would have established a committee to study issues regarding tax assessments at the local level. The committee appreciates the sponsor's effort to give a voice to a group of constituents who are particularly concerned about the complexity of municipal assessments and taxation. However, the committee strongly believes that there are adequate procedures in place to address any and all concerns. Vote 16-0.

**HB 153**, relative to standards for bridge and highway construction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin K. Waterhouse for Public Works and Highways: The committee agreed with the request from the Department of Transportation that the American Association of State Highway and Transportation officials set the technical engineering standards and produce the manuals applied by the Commissioner of Transportation to state bridge and state highway aid projects. We measure these standards to receive federal highway dollars. These standards are arrived at by the commissioners of all the state transportation commissions to assure continuity across the nation. Vote 16-0.

#### **Amendment (0207h)**

Amend the bill by replacing section 1 with the following:

1 New Section; Bridge and Highway Construction Requirements for State Bridge Aid and State Highway Aid Projects. Amend RSA 21-L by inserting after section 12-a the following new section:

21-L:12-b Bridges and Highway Construction Requirements for State Bridge Aid and State Highway Aid Projects.

I. Except as provided in paragraph II, the most current versions of the following design standards and manuals promulgated by the American Association of State Highway and Transportation Officials (AASHTO), inclusive of any amendments, revisions, interim revisions, or new editions promulgated by AASHTO are hereby adopted by reference, and the commissioner shall apply them to any project funded by state bridge aid or state highway aid as minimum standards in the state:

- (a) AASHTO load and resistance factor design for bridge design specifications;
- (b) AASHTO manual for condition evaluation of bridges;
- (c) AASHTO guide specifications for seismic isolation design;
- (d) AASHTO manual for condition evaluation and load resistance factor rating (LRFR) of highway bridges;
- (e) AASHTO standard specifications for structural supports for highway signs, luminaries, and traffic signals;
- (f) AASHTO policy on geometric design of highways and streets; and
- (g) AASHTO roadside design guide.

II. For modifications to an existing bridge, the commissioner may require load resistance factor (LRFD) specifications from the most current version of the applicable AASHTO manual listed in paragraph I or the specifications that were used for the original design of the bridge.

#### **AMENDED ANALYSIS**

This bill requires design standards and manuals relating to bridge construction promulgated by the American Association of State Highway and Transportation Officials to be adopted by reference and applied by the commissioner of transportation to state bridge aid and state highway aid projects.

This bill is a request of the department of transportation.

**HB 166**, relative to the definition of a bridge. **OUGHT TO PASS.**

Rep. John R. Cloutier for Public Works and Highways: This bill would change the definition of the term "bridge" by amending RSA 234. It was filed at the Department of Transportation's request and the department said it simply reflects what the department's current practice is in regard to bridges. Furthermore, it should help the state's bridges more easily qualify for federal disaster aid in the future. Finally, the bill is not specifically applicable to either RSA 234:4, or 234:13. Vote 16-0.

**HB 199-FN-A**, making an appropriation for the restoration of the Sawyer House at the Daniel Webster birthplace. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene G. Chandler for Public Works and Highways: This bill makes an appropriation for the restoration of the Sawyer House at the Daniel Webster birthplace. The committee unanimously agreed that this item should be discussed in content of the capital budget and there seemed to be a bit of an issue as to the actual cost of the project. While not promising any positive action, the committee welcomes the sponsors and other interested parties to appear at the capital budget hearing. Vote 16-0.

**HB 56**, relative to the definition of agritourism. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill defines agritourism as those ancillary farm activities, such as wagon rides and or mazes, used to attract visitors to farms. The bill was a recommendation of the New Hampshire Farm Viability Task Force. The intent is to recognize that today's farms need to engage in a diversity of agriculturally related activities to survive. This definition has little impact on a municipality's zoning powers over land uses on farms. Vote 18-0.

#### **Amendment (0033h)**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Agritourism. Amend RSA 21:34-a by inserting after paragraph V the following new paragraph:

VI. The term "agritourism" means attracting visitors to farm operations for the purpose of eating a meal, making overnight stays, enjoyment, education, or active involvement that is ancillary to the activity of the farm or operation, and as such shall be considered an agricultural use.

**HB 61**, designating segments of the Ammonoosuc River into the rivers management protection program. **OUGHT TO PASS.**

Rep. Sid Lovett for Resources, Recreation and Development: The rivers management protection program provides for certain rivers to enjoy special protection. Rivers are nominated after research and documentation of outstanding natural and community resources and full support of the communities. This bill designates segments of the Ammonoosuc River into the rivers management protection program, and was supported by the constituencies of all seven towns, by the New Hampshire Department of Environmental Services (DES), and all attendees at the hearing. Vote 17-0.

**HB 154**, relative to the inclusion of certain tax information in state tourism publications. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsy McKinney for Resources, Recreation and Development: This bill would require the state tourism department to include information in promotional materials relative to the state's tax advantages. The department now publishes the fact that we have no sales tax. The committee felt that this was a good idea but not something that should be in the RSAs. Vote 16-1.

**HB 438**, renaming a certain island in Blackey's Cove in Lake Winnepesaukee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T. Spang for Resources, Recreation and Development: Upon the request of the family which owns this half-acre island, the name would be changed from the nondescript "2 Island" to "Eljays Island." The amendment gives GPS coordinates to identify the island. Vote 16-0.

#### **Amendment (0111h)**

Amend the bill by replacing section 1 with the following:

1 Renaming of an Island in Blackey's Cove in Lake Winnepesaukee. The island in Blackey's Cove in Lake Winnepesaukee, located at latitude 43 degrees, 42.263 minutes North, and longitude 71 degrees, 26.467 minutes West, now known as "2 Island", shall be renamed as "Eljays Island." All signage erected on this site shall be approved by the department of transportation and shall not be a charge against the state.

**HB 66**, relative to display of antique motor vehicle plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F. Bergin for Transportation: The sponsor had good intentions to allow antique motor vehicles to use year of manufacture plates on the front and back of the vehicle. The hearing brought up a number of concerns, and the sponsor brought forth an amendment to address these. The com-

mittee appreciates the sponsor's efforts but heard a number of concerns from the Department of Safety such as the state's computer system not sufficiently complex to permit such record keeping. In addition, how would you accurately identify and report a plate if a crime, a traffic violation or accident occurred? As a result the committee voted ITL. Vote 16-1.

### REGULAR CALENDAR

**HB 140**, reestablishing the New Hampshire task force on deafness and hearing loss. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James P. Pilliod for the Majority of Health, Human Services and Elderly Affairs: This bill as amended continues an existing task force by changing the operative group from a task force to a longer functioning commission with appropriate improvements in the make up of the commission. The duties remain substantially the same, and the reporting requirements would be annual with a specified review to determine the effectiveness of the commission in six years. Vote 18-1.

Rep. Peter L. Batula for the Minority of Health, Human Services and Elderly Affairs: It is with regret that although fully supporting the intent of this bill to reestablish the New Hampshire task force on deafness and hearing loss, the minority position on the bill is because of an amendment that was added in committee to require this commission to meet for the next six years. A commission is a very serious undertaking, listed in the black book and in this case includes in excess of 20 members. Again, the minority has no problem with the good intent of the objective in the bill. Where it differs is the designated six year commission life span instead of the common one, two or three years of duration which can be extended if their work suggests it. This legislature has literally hundreds of committees and commissions meeting at any given time, throughout the year. This minority report is filed because of a concern that legislating any six year or longer committee or commission should be given very careful consideration, especially when a commission or committee duration can be extended, in time, via legislation. Otherwise, we could be setting an improper precedent.

### Majority Amendment (0137h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing the New Hampshire commission on deafness and hearing loss.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; New Hampshire Commission on Deafness and Hearing Loss. Amend RSA by inserting after chapter 125-O the following new chapter:

#### CHAPTER 125-P

#### NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS

125-P:1 Commission Established; Chairperson; Compensation.

I. A commission, to be known as the New Hampshire commission on deafness and hearing loss is hereby created and established. The commission shall consist of the following members:

(a) One member of the house of representatives who shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

(b) One member of the senate who shall be from the health and human services committee, appointed by the president of the senate.

(c) One member from the governor's commission on disabilities, appointed by the governor.

(d) Two representatives of the department of health and human services, appointed by the commissioner.

(e) One representative of the department of employment security, appointed by the commissioner.

(f) Two representatives of the department of education, appointed by the commissioner.

(g) One representative of the administrative office of the courts, appointed by the chief justice of the New Hampshire superior court.

(h) The president of the New Hampshire Association of the Deaf, or designee.

(i) One representative of the New Hampshire Association of the Deaf, appointed by the president of the association, or designee.

(j) The president of the New Hampshire chapter of the Hearing Loss Association of America, or designee.

(k) One representative from the New Hampshire chapter of the Hearing Loss Association of America, appointed by the president of such association, or designee.

(l) One representative of the New Hampshire Registry of Interpreters for the Deaf, appointed by the president of the New Hampshire Registry of Interpreters for the Deaf, or designee.

(m) The attorney general, or designee.

(n) The commissioner of the department of safety, or designee.

(o) The commissioner of the department of corrections, or designee.

(p) The executive director of Granite State Independent Living, or designee.

(q) The executive director of the governor's commission on disability.

(r) The executive director of Northeast Deaf and Hard of Hearing Services, Inc.

(s) The executive director of the Disabilities Rights Center.

(t) Any other appropriate person designated by the commission.

II. The members of the commission shall elect a chairperson from among the members. Members of the commission shall serve without compensation except that legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. Legislative members of the commission shall serve a term which is coterminous with their elected office.

#### 125-P:2 Organization; Meetings.

I. The commission shall be convened by the named member of the house of representatives, and shall hold its first meeting no later than 30 days after the effective date of this chapter.

II. The department of education and the department of health and human services shall provide administrative support, in equal measure, for the commission, including interpreter services for commission meetings.

#### 125-P:3 Duties. The commission shall:

I. Recommend, where applicable, statutes, rules, policies, and education programs necessary to successfully provide New Hampshire citizens who are deaf or hard of hearing with access to competent interpreters at all levels of local and state government.

II. Investigate establishing an information and referral service operated by and for persons who are deaf and hard of hearing to promote access of such persons to the community-based health care, educational, employment, and social services that are available to all citizens.

III. Develop peer counseling, job placement, and advocacy services which would enhance the ability of individuals who are deaf or hard of hearing to contribute to their communities.

IV. Recommend legislation and identify funding sources by working in collaboration with the following agencies and organizations:

(a) The governor's commission on disability.

(b) The Disabilities Rights Center.

(c) Northeast Deaf and Hard of Hearing Services, Inc.

(d) The department of health and human services.

(e) The department of safety.

(f) The department of corrections.

(g) The department of education.

(h) The department of justice.

(i) Granite State Independent Living.

125-P:4 Report. The commission shall make an annual report commencing on November 1, 2008, together with any recommendations, to the speaker of the house of representatives, the president of the senate, and the governor.

2 Review. The general court shall review the New Hampshire commission on deafness and hearing loss established in section 1 of this act in 6 years to determine the effectiveness of the commission.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes the New Hampshire commission on deafness and hearing loss.

This bill requires the general court to review the commission in 6 years to determine its effectiveness.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.



**HB 288**, requiring the commissioner of the department of health and human services to apply for public and private grant funding for drug and alcohol rehabilitation programs. **MAJORITY: IN-EXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Thomas E. Donovan for the Majority of Health, Human Services and Elderly Affairs: Though the majority recognizes both the prime sponsor's deep commitment to the resolution of this critical issue and the increasing lack of supports for drug and alcohol treatment programs and of treatment facilities, we feel that this legislation is not the best remedy. While there are certain grants available in the areas of alcohol and drug prevention and treatment, and the department does apply for some, we heard testimony that the department would need more resources to be able to meet the bill's grant-writing requirement. The majority feels that the department has been as aggressive as it possibly can with the existing staff, and we are concerned about the impact on current programs if resources are to be diverted to apply for more grants. The majority also believes that we could not set a specific quota for the number of grants to be applied for within a certain unit or by a certain number of qualified staff, as all grants are so different in their requirements and complexities. We also believe that the needs and resources of the entire department have to be considered and prioritized before the decision to seek out specific grants is made. Vote 14-5.

Rep. Joy K. Tilton for the Minority of Health, Human Services and Elderly Affairs: This bill is not meant to reflect poorly on either the commissioner or the department. It simply seemed the most effective way to assure that the bill's purpose is achieved. The state does not have sufficient resources allocated in order to provide adequate treatment services to persons dependent on alcohol and/or other drugs. Addiction is an illness that ruins health, lives and families. Many of those struggling with this illness lose their jobs, family and friends, become bankrupt, and ultimately enter our correction facilities where treatment is limited or not available. Incarceration costs are approximately \$30,000.00 per year and the rate of recidivism is high within 9 to 12 months. The cost of treatment is approximately 1/3rd the cost of incarceration. For the health of "recovering consumers" at any stage of life, their families, our communities, business and industry, as well as our overcrowded prisons and the fiscal impact on our state, more funding for addiction treatment could be a "win-win" solution. It is essential that the Department of Health and Human Services apply for more grants and other public and private funding for this purpose. This bill simply requires that the Commissioner of the Department of Health and Human Services have the staff "apply for not less than 10 grants per fiscal year" that provide treatment services for persons dependent upon alcohol or other drugs, and for needed construction or renovation of treatment facilities as necessary. The solution should begin now.

Rep. Joy Tilton spoke against and yielded to questions.

Rep. Donovan spoke in favor and yielded to questions.

Rep. Butynski spoke against.

Reps. MacKay and Marjorie Smith spoke in favor.

Rep. Michael Rollo moved the previous question.

Adopted.

Rep. Wendelboe requested a roll call; sufficiently seconded.

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### YEAS 260

#### BELKNAP

Allen, Janet  
Heald, Bruce  
Russell, David  
Wendelboe, Fran

Arsenault, Beth  
Millham, Alida  
Thomas, John  
Whalley, Michael

Clark, Charles  
Nedeau, Stephen  
Tilton, Franklin

Flanders, Donald  
Pilliod, James  
Tobin, William

### CARROLL

Ahlgren, Christopher  
Butler, Edward  
Merrow, Harry

Bridgham, Robert  
Chandler, Gene  
Patten, Betsey

Brown, Carolyn  
Denley, William  
Stevens, Stanley

Buco, Thomas  
Knox, J. David

**CHESHIRE**

Dunn, J. Timothy  
Lerandeau, Alfred  
Weber, Lucy

Eaton, Daniel  
Mitchell, Bonnie

Emerson, Susan  
Richardson, Barbara

Johnson, Jane  
Sad, Tara

**COOS**

Hatch, William  
Merrick, Evalyn  
Tholl, John Jr

Ingersoll, Paul Sr  
Remick, William

King, Frederick  
Stohl, Eric

Mears, Edgar  
Theberge, Robert

**GRAFTON**

Aguiar, James  
Bulis, Lyle  
Gionet, Edmond  
Matheson, Robert  
Preston, Philip

Almy, Susan  
Dingman, Vernon III  
Harding, A Laurie  
McLeod, Martha  
Sorg, Gregory

Benn, Bernard  
Eaton, Stephanie  
Ingbertson, Paul  
Nordgren, Sharon

Bleyler, Ruth  
Estes, Carole  
Laliberte, Suzanne  
Pierce, David

**HILLSBOROUGH**

Baroody, Benjamin  
Bergeron, Jean-Guy  
Clark, Mark  
Coughlin, Pamela  
Dokmo, Cynthia  
Emerton, Larry  
Goley, Jeffrey  
Haefner, Robert  
Hebert, Roger  
Infantine, William  
Judy, Jean  
Knowles, John  
L'Heureux, Robert  
Levesque, Melanie  
Mooney, Maureen  
Ober, Lynne  
Renzullo, Andrew  
Simon, Anthony  
Spaulding, Jayne  
Sysyn, Mary  
Villeneuve, Maurice

Barry, Richard  
Bergin, Peter  
Clemons, Jane  
Crane, Elenore Casey  
Drisko, Richard  
Fontas, Jeffrey  
Gorman, Mary  
Hammond, Jill  
Hinkle, Peyton  
Irwin, Anne-Marie  
Johnson, Stephen  
Knowles, Mary Ann  
Lasky, Bette  
Lisle, Carolyn  
Moran, Edward  
Ober, Russell III  
Rosenwald, Cindy  
Smith, David  
Spratt, Stephen  
Tahir, Saghir

Batula, Peter  
Campbell, David  
Cote, David  
Daler, Jennifer  
Edwards, Andrew  
Foster, Linda  
Graham, John  
Hansen, Ryan  
Holden, Randolph  
Jasper, Shawn  
Kaelin, Michael  
Kopka, Angeline  
Lawrence, James  
Manney, Pamela  
Movsesian, Lori  
Price, Pamela  
Rowe, Robert  
Smith, Sandra  
Stepanek, Stephen  
Ulery, Jordan

Beaulieu, Jane  
Christensen, Chris  
Cote, Peter  
Daniels, Gary  
Elliott, Nancy  
Garrity, Patrick  
Hackel, Paul  
Hawkins, Ken  
Hunter, Bruce  
Jean, Claudette  
Katsiantonis, George  
Kurk, Neal  
Lessard, Rudy  
McRae, Karen  
O'Connell, Timothy  
Reeves, Sandra  
Schulze, Joan  
Soucy, Connie  
Sullivan, Daniel  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Brueggemann, Donald  
Foose, Robert  
Hager, Elizabeth  
Lockwood, Priscilla  
Porter, Margaret  
Richardson, Gary  
Walz, Mary

Baxley, Maureen  
Clarke, Claire  
French, Barbara  
Hamm, Christine  
MacKay, James  
Potter, Frances  
Ryan, Jim  
Wheeler, Deborah

Beauchesne, Suzanne  
Davis, Frank  
Gile, Mary  
Hess, David  
McMahon, Patricia  
Reardon, Tara  
Shurtleff, Stephen  
Williams, Robert

Bouchard, Candace  
DeStefano, Stephen  
Greco, Vincent  
Humphries, Charlie  
Owen, Derek  
Reed, Dennis  
Wallner, Mary

**ROCKINGHAM**

Abbott, Dennis  
Belanger, Ronald  
Camm, Kevin  
Dalrymple, David  
Fesh, Bob  
Gould, Kenneth

Allen, Mary  
Bettencourt, David  
Carson, Sharon  
DiFruscia, Anthony  
Flanders, John Sr  
Griffin, Mary

Baldasaro, Alfred  
Bishop, Franklin  
Case, Frank  
Elliott, Robert  
Garcia, Marilinda  
Grote, Otto

Bedrick, Jason  
Brown, C. Pennington  
Casey, Kimberley  
Emiro, Frank  
Garrity, James  
Guthrie, Joseph

Headd, James  
Kappler, Lawrence  
McKinney, Betsy  
Packard, Sherman  
Priestley, Anne  
Reagan, John  
Stiles, Nancy  
Wells, Roger

Ingram, Russell  
Kennedy, James  
McMahon, Charles  
Pantelakos, Laura  
Quandt, Marshall  
Robertson, Carl  
Waterhouse, Kevin  
Weyler, Kenneth

Itse, Daniel  
Lister, Charlotte  
Moore, Bennett  
Pearson, Mark  
Quandt, Matthew  
Sanders, Elisabeth  
Weare, Everett  
Wickson, Rick

Johnson, Robert  
Major, Norman  
O'Keefe, Peter  
Preston, Mark  
Rausch, James  
Snow, Richard  
Welch, David

### STRAFFORD

Billian, Deborah  
Hilliard, Dana  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, Julie  
Hofemann, Roland  
Knowles, William  
Rollo, Michael  
Spang, Judith  
Watson, Robert

Cyr, James  
Hubbard, Pamela  
Mickelonis, Shawn  
Rous, Emma  
Smec, Robert

Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Schmidt, Peter  
Vachon, Dennis

### SULLIVAN

Cloutier, John  
Gottling, Suzanne  
Phinzy, James

Donovan, Thomas  
Houde, Matthew  
Rodeschin, Beverly

Franklin, Peter  
Jillette, Arthur Jr

Gagnon, Raymond  
Nielsen, Ellen

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### BELKNAP

Boyce, Laurie

Morrison, Gail

Wood, Jane

### CARROLL

Cunningham, Howard

Heard, Virginia

Martin, James

### CHESHIRE

Allen, Peter  
Chase, William  
Parkhurst, Henry  
Robertson, Timothy

Burridge, Delmar  
Espiefs, Peter  
Pelkey, Stephen  
Weed, Charles

Butcher, Suzanne  
Hunt, John  
Plifka, Stanley Jr

Butynski, William  
Loll, Thomas  
Roberts, Kris

### COOS

Merrick, Scott

Thomas, Yvonne

### GRAFTON

Andersen, Gene  
Lovett, Sid

Cooney, Mary  
Mulholland, Catherine

Friedrich, Carol  
Solomon, Peter

Hammond, Lee  
Williams, Burton

### HILLSBOROUGH

Beck, Catriona  
Fletcher, Richard  
Harvey, Suzanne  
Levasseur, Nickolas  
Martineau, Jesse  
O'Brien, Michael Sr  
Reuschel, Michael  
Velez, Hector

Brunelle, Michael  
Gargas, Carolyn  
Hogan, Edith  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Neil, James  
Rochette, Eric  
Winters, Joel

Day, Russell  
Ginsburg, Ruth  
Kelley, John  
Mack, Ron  
Mesa, Lily  
Peterson, Andy  
Shattuck, Gilman

Essex, David  
Haley, Robert  
Leishman, Peter  
Marshall, Seth  
Messier, Irene  
Pilotte, Maurice  
Shaw, Barbara

### MERRIMACK

Brown, Carole  
Kidder, David  
Tupper, Frank

DeJoie, John  
Kjellman, Eleanor Glynn  
Webb, Leigh

Ehlers, Eileen  
Osborne, Jessie

Kelly, Sally  
Tilton, Joy

### ROCKINGHAM

Borden, David  
Devine, James

Cali-Pitts, Jacqueline  
Flockhart, Eileen

Charron, Gene  
Henson, John

Day, Judith  
Howard, Doreen

Hutchinson, Karen  
Kepner, Susan  
McKenna, Daniel  
Russell, Trinka

Katsakiores, George  
Marsh, Michael  
Moody, Marcia  
Winchell, George

Katsakiores, Phyllis  
McCarthy, Linda  
Nord, Susi

Kelley, Jane  
McEachern, Paul  
Powers, James

### STRAFFORD

Brennan, William  
Goodwin, Earle  
Warren, Nancy

Brown, Jennifer  
Grassie, Anne

Brown, Larry  
Perry, Robert

Burke, Rachel  
Sprague, Dale

### SULLIVAN

Converse, Larry

Ferland, Brenda

Skinder, Carla

and the majority committee report was adopted.

**CACR 4**, relating to funding for public transportation. Providing that revenues from the operation of motor vehicles or the sale or consumption of motor vehicle fuel may be used for public transportation. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: The committee continues to believe the state does and should support mass transportation where it provides a viable transportation alternative. However, given the critical and worsening condition of New Hampshire's roads and bridges and the negative impact of spiraling construction costs on maintenance of the highway infrastructure, the committee unanimously believes that expanding the demand on the state highway fund is not appropriate at this time. Vote 16-0.  
Committee report adopted.

**HB 168**, expanding the purposes of the wildflower establishment program. **OUGHT TO PASS.**  
Rep. John A. Graham for Public Works and Highways: This bill will permit the Department of Transportation to use some of the money it receives annually from the conservation number plate trust fund for the planting and maintenance of wild flowers, shrubs and trees. Currently the law requires that money from this fund be used only for "planting lilacs and native wildflowers." However, fully one quarter of all plants growing in New Hampshire today are not native. This list includes such common plants as daisies, forsythia and daylilies. By expanding the use of the fund to include plants such as these, the DOT will be able to plant more areas with wildflowers and/or shrubs. The committee also heard testimony that it is difficult to grow "native" wildflowers along the state's highways. The committee feels that it is important to conserve the money available by planting species that will last more than one season. NH DOT will still be planting native wildflowers in areas where the native wildflowers will thrive. Additionally, the Department of Environmental Services expressed concern that by allowing this change there was the potential that invasive species would be introduced along our highways. The committee feels that existing laws concerning the purchase and planting of these prohibited species applies to the DOT and would not be allowed under this bill. Vote 16-0.  
Committee report adopted and ordered to third reading.

**HB 180-FN**, relative to pay and allowances for officers and enlisted members of the national guard. **OUGHT TO PASS.**

Rep. Eleanor Glynn Kjellman for State-Federal Relations and Veterans Affairs: Members of the National Guard come under different personnel systems, depending on whether they are called up on state active duty or federal active duty. This bill would compensate those called to state active duty at the same rate as if they had been activated for federal service, in the area of allowances for housing and subsistence. Vote 11-3.

Committee report adopted and ordered to third reading.

**HB 181-FN-A**, establishing a tuition voucher program for New Hampshire national guard members and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eleanor Glynn Kjellman for State-Federal Relations and Veterans Affairs: The establishment of a tuition voucher program is a win-win not only for our men and women of the National Guard; it also helps produce better educated citizens for the state at very low cost. The bill would require the University system and National Guard to use all other in-place education programs prior to using tuition vouchers. The tuition vouchers will ensure that our National Guard men and women will have equal access to necessary courses. Vote 14-0.

**Amendment (0051h)**

Amend RSA 110-B:63-c as inserted by section 1 of the bill by replacing it with the following:  
 110-B:63-c Educational Assistance ~~[Authorized];~~ **Tuition Vouchers**; Minimum Requirements.

**I. There is established a tuition voucher program to encourage recruitment and retention of national guard members. The program shall be administered by the adjutant general. National guard members may apply to the adjutant general for a tuition voucher to pay costs of tuition for a degree or certificate producing program at a state postsecondary institution. The amount of the voucher each year shall not exceed the tuition costs of a full-time student for a normal academic year. The tuition voucher applicant shall be enrolled or accepted for enrollment at the postsecondary institution at the time of application. The New Hampshire national guard shall issue the voucher to the student, the student shall submit the voucher to the postsecondary institution, and the postsecondary institution shall submit the voucher to the adjutant general for payment.**

**II.** Members of the New Hampshire national guard may **also** take courses tuition-free on a space available basis in state-supported postsecondary institutions.

**III.** In order to be eligible to receive educational assistance under this subdivision, a member of the New Hampshire national guard shall:

~~[F:]~~ (a) Be an active member of the New Hampshire national guard residing either in-state or out-of-state ~~[who has completed advanced individual training or commissioning]~~.

~~[H:]~~ (b) Be enrolled **or accepted for enrollment** in a degree-enhancing curriculum in any vocational or technical school that is under the authority of the commissioner of regional community-technical colleges, or enrolled **or accepted for enrollment** in any degree-enhancing curriculum in any public college or university within the state.

~~[H:]~~ (c) Have first utilized any federal educational entitlements, not including Montgomery GI Bill benefits, and national guard scholarship grants.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

**HB 55**, relative to required use of tail lamps. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brenda L. Ferland for the Majority of Transportation: This bill would have required motor vehicles to have tail lamps displayed during the period of ½ hour after sunset and ½ hour before sunrise. Current law requires this for headlights. The majority of the committee felt this piece of legislation is not necessary because if your headlights are on, as many automatic ones are now, they will reflect off the vehicle in front of you. Law enforcement occasionally stops a vehicle with headlights not working properly and issues a verbal warning and if necessary a written “fix-it” ticket. No fine is imposed. If you are driving a vehicle without lights on after dark, chances are you aren’t interested in any law that’s in the book. Vote 12-5.

Rep. Jennifer M. Brown for the Minority of Transportation: The minority of the committee feels that with the advent of daytime driving lights, it is now necessary to legislate the use of tail lights in inclement weather.

Rep. Webb spoke against.

Rep. Ferland spoke in favor.

Majority committee report adopted.

**BILLS REMOVED FROM CONSENT CALENDAR**

**HB 143**, relative to the apportionment of damages in civil actions. **OUGHT TO PASS.**

Rep. David J. Bettencourt for Judiciary: This legislation is a reaction to the New Hampshire Supreme Court’s interpretation of who can be named as a party for the purpose of apportionment of damages in civil action cases. Under the current system, as a result of the DeBenedetto ruling, individuals who are not listed as defendants can be found liable for damages. This bill would eliminate the “empty chair” defense which causes fewer cases to be settled because of the complexity of cases with floating defendants. This bill encourages settlements which will help to ease court dockets and keep courts costs down. The committee felt that while no system is perfect, it is better for the loss to be borne by the defendant’s insurance company rather than the innocent plaintiff. Vote 17-1.

Rep. Hunt moved Recommit, spoke in favor and yielded to questions.

Rep. Lasky spoke against.

Rep. Hunt requested a roll call; sufficiently seconded.

## YEAS 164 NAYS 199

### YEAS 164 BELKNAP

Allen, Janet	Clark, Charles	Flanders, Donald	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Pillioid, James	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael	Wood, Jane		

### CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Martin, James	Merrow, Harry	Patten, Betsey	Stevens, Stanley

### CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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### COOS

King, Frederick	Remick, William	Stohl, Eric	Troll, John Jr
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### GRAFTON

Bulis, Lyle	Dingman, Vernon III	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	Ingretson, Paul	Mulholland, Catherine	Sorg, Gregory
Williams, Burton			

### HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Daniels, Gary	Day, Russell	Dokmo, Cynthia	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Fletcher, Richard	Gargas, Carolyn
Graham, John	Haefner, Robert	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Hunter, Bruce	Infantine, William
Jasper, Shawn	Judy, Jean	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mesa, Lily	Mooney, Maureen	Moran, Edward	O'Connell, Timothy
Ober, Lynne	Ober, Russell III	Peterson, Andy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Soucy, Connie
Spaulding, Jayne	Spratt, Stephen	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Villeneuve, Maurice	Winters, Joel	

### MERRIMACK

Anderson, Eric	DeJoie, John	DeStefano, Stephen	Hess, David
Humphries, Charlie	Kidder, David	Lockwood, Priscilla	MacKay, James
Reardon, Tara	Reed, Dennis	Ryan, Jim	Walz, Mary

### ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Borden, David	Cali-Pitts, Jacqueline
Camm, Kevin	Carson, Sharon	Case, Frank	Charron, Gene
Dalrymple, David	Devine, James	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Garcia, Marilinda	Garritty, James
Gleason, John	Gould, Kenneth	Griffin, Mary	Grote, Otto
Guthrie, Joseph	Headd, James	Ingram, Russell	Itse, Daniel
Johnson, Robert	Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis
Major, Norman	McCarthy, Linda	McKinney, Betsy	McMahon, Charles

Nowe, Ronald  
 Priestley, Anne  
 Reagan, John  
 Waterhouse, Kevin  
 Weyler, Kenneth

Packard, Sherman  
 Quandt, Marshall  
 Robertson, Carl  
 Weare, Everett  
 Wickson, Rick

Pearson, Mark  
 Quandt, Matthew  
 Sanders, Elisabeth  
 Welch, David  
 Winchell, George

Powers, James  
 Rausch, James  
 Stiles, Nancy  
 Wells, Roger

### **STRAFFORD**

Brown, Julie  
 Spang, Judith

Brown, Larry

Goodwin, Earle

Grassie, Anne

### **SULLIVAN**

Ferland, Brenda

Rodeschin, Beverly

### **NAYS 199 BELKNAP**

Arsenault, Beth

Morrison, Gail

### **CARROLL**

Bridgham, Robert  
 Heard, Virginia

Buco, Thomas  
 Knox, J. David

Butler, Edward

Cunningham, Howard

### **CHESHIRE**

Allen, Peter  
 Dunn, J. Timothy  
 Loll, Thomas  
 Richardson, Barbara  
 Weber, Lucy

Burridge, Delmar  
 Eaton, Daniel  
 Mitchell, Bonnie  
 Roberts, Kris  
 Weed, Charles

Butcher, Suzanne  
 Espiefs, Peter  
 Parkhurst, Henry  
 Robertson, Timothy

Chase, William  
 Lerandeau, Alfred  
 Plifka, Stanley Jr  
 Sad, Tara

### **COOS**

Hatch, William  
 Merrick, Scott

Ingersoll, Paul Sr  
 Theberge, Robert

Mears, Edgar  
 Thomas, Yvonne

Merrick, Evalyn

### **GRAFTON**

Aguiar, James  
 Bleyler, Ruth  
 Friedrich, Carol  
 McLeod, Martha  
 Solomon, Peter

Almy, Susan  
 Cooney, Mary  
 Laliberte, Suzanne  
 Nordgren, Sharon

Andersen, Gene  
 Eaton, Stephanie  
 Lovett, Sid  
 Pierce, David

Benn, Bernard  
 Estes, Carole  
 Matheson, Robert  
 Preston, Philip

### **HILLSBOROUGH**

Baroody, Benjamin  
 Campbell, David  
 Daler, Jennifer  
 Foster, Linda  
 Gorman, Mary  
 Harvey, Suzanne  
 Jean, Claudette  
 Kelley, John  
 Lasky, Bette  
 Lisle, Carolyn  
 Martineau, Jesse  
 O'Brien, Michael Sr  
 Rochette, Eric  
 Shaw, Barbara  
 Sullivan, Daniel

Beaulieu, Jane  
 Clemons, Jane  
 Edwards, Andrew  
 Garrity, Patrick  
 Hackel, Paul  
 Hebert, Roger  
 Johnson, Stephen  
 Knowles, John  
 Leishman, Peter  
 Long, Patrick  
 Matarazzo, Anthony Sr  
 O'Neil, James  
 Rosenwald, Cindy  
 Simon, Anthony  
 Sysyn, Mary

Beck, Catriona  
 Cote, David  
 Essex, David  
 Ginsburg, Ruth  
 Haley, Robert  
 Holden, Randolph  
 Kaelin, Michael  
 Knowles, Mary Ann  
 Levasseur, Nickolas  
 Mack, Ron  
 Messier, Irene  
 Pilotte, Maurice  
 Schulze, Joan  
 Smith, David  
 Vaillancourt, Steve

Brunelle, Michael  
 Cote, Peter  
 Fontas, Jeffrey  
 Goley, Jeffrey  
 Hammond, Jill  
 Irwin, Anne-Marie  
 Katsiantonis, George  
 Kopka, Angeline  
 Levesque, Melanie  
 Marshall, Seth  
 Movesian, Lori  
 Reuschel, Michael  
 Shattuck, Gilman  
 Smith, Sandra  
 Velez, Hector

### **MERRIMACK**

Baxley, Maureen  
 Brueggemann, Donald

Beauchesne, Suzanne  
 Clarke, Claire

Bouchard, Candace  
 Davis, Frank

Brown, Carole  
 Ehlers, Eileen

Foose, Robert  
Hager, Elizabeth  
McMahon, Patricia  
Potter, Frances  
Tupper, Frank  
Williams, Robert

French, Barbara  
Hamm, Christine  
Osborne, Jessie  
Richardson, Gary  
Wallner, Mary

Gile, Mary  
Kelly, Sally  
Owen, Derek  
Shurtleff, Stephen  
Webb, Leigh

Greco, Vincent  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Tilton, Joy  
Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
DiFruscia, Anthony  
Kelley, Jane  
Marsh, Michael  
Moore, Bennett  
Preston, Mark

Brown, C. Pennington  
Flockhart, Eileen  
Kennedy, James  
McEachern, Paul  
Nord, Susi  
Russell, Trinkia

Casey, Kimberley  
Henson, John  
Kepner, Susan  
McKenna, Daniel  
O'Keefe, Peter  
Snow, Richard

Day, Judith  
Howard, Doreen  
Lister, Charlotte  
Moody, Marcia  
Pantelakos, Laura

### STRAFFORD

Billian, Deborah  
Cyr, James  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Sprague, Dale  
Warren, Nancy

Brennan, William  
Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Smec, Robert  
Watson, Robert

Brown, Jennifer  
Hilliard, Dana  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Burke, Rachel  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

and the motion failed.

Rep. Stephanie Eaton voted Nay and intended to vote Yea.

Rep. Spang voted Yea and intended to vote Nay.

The question now being adoption of the committee report of Ought to Pass.

Reps. Hunt, Nancy Elliott, Wood, Kurk, Dokmo and Infantine spoke against.

Reps. Gary Richardson, Mooney and DiFruscia spoke in favor.

Rep. Campbell moved the previous question.

Adopted.

Rep. Infantine requested a roll call; sufficiently seconded.

### YEAS 202 NAYS 150

### YEAS 202

### BELKNAP

Arsenault, Beth

Morrison, Gail

### CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

### CHESHIRE

Allen, Peter  
Dunn, J. Timothy  
Loll, Thomas  
Roberts, Kris  
Weed, Charles

Burridge, Delmar  
Eaton, Daniel  
Mitchell, Bonnie  
Robertson, Timothy

Butcher, Suzanne  
Espieffs, Peter  
Pliifka, Stanley Jr  
Sad, Tara

Chase, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

### COOS

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn



**GRAFTON**

Aguiar, James  
Estes, Carole  
Lovett, Sid  
Pierce, David

Andersen, Gene  
Friedrich, Carol  
Matheson, Robert  
Preston, Philip

Benn, Bernard  
Hammond, Lee  
McLeod, Martha  
Sorg, Gregory

Bleyler, Ruth  
Laliberte, Suzanne  
Nordgren, Sharon

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Cote, Peter  
Fontas, Jeffrey  
Goley, Jeffrey  
Hall, Betty  
Irwin, Anne-Marie  
Kaelin, Michael  
Knowles, Mary Ann  
Levesque, Melanie  
Marshall, Seth  
Mooney, Maureen  
Reuschel, Michael  
Simon, Anthony  
Sysyn, Mary

Barry, Richard  
Campbell, David  
Daler, Jennifer  
Foster, Linda  
Gorman, Mary  
Hammond, Jill  
Jean, Claudette  
Katsiantonis, George  
Kopka, Angelina  
Lisle, Carolyn  
Martineau, Jesse  
O'Brien, Michael Sr  
Rowe, Robert  
Smith, David  
Vaillancourt, Steve

Beaulieu, Jane  
Clemons, Jane  
Edwards, Andrew  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Judy, Jean  
Kelley, John  
Lasky, Bette  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Neil, James  
Schulze, Joan  
Smith, Sandra  
Velez, Hector

Beck, Catriona  
Cote, David  
Essex, David  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Johnson, Stephen  
Knowles, John  
Leishman, Peter  
Mack, Ron  
Mesa, Lily  
Pilotte, Maurice  
Shattuck, Gilman  
Sullivan, Daniel

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
Foose, Robert  
Hager, Elizabeth  
McMahon, Patricia  
Potter, Frances  
Tupper, Frank  
Williams, Robert

Beauchesne, Suzanne  
Clarke, Claire  
French, Barbara  
Hamm, Christine  
Osborne, Jessie  
Richardson, Gary  
Wallner, Mary

Bouchard, Candace  
Davis, Frank  
Gile, Mary  
Kelly, Sally  
Owen, Derek  
Shurtleff, Stephen  
Walz, Mary

Brown, Carole  
Ehlers, Eileen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Tilton, Joy  
Wheeler, Deborah

**ROCKINGHAM**

Abbott, Dennis  
Cali-Pitts, Jacqueline  
DiFruscia, Anthony  
Henson, John  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Preston, Mark

Bettencourt, David  
Casey, Kimberley  
Flockhart, Eileen  
Howard, Doreen  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Russell, Trinkia

Bishop, Franklin  
Day, Judith  
Gleason, John  
Johnson, Robert  
Lister, Charlotte  
McKenna, Daniel  
O'Keefe, Peter  
Snow, Richard

Brown, C. Pennington  
Devine, James  
Grote, Otto  
Kelley, Jane  
Marsh, Michael  
Moody, Marcia  
Pantelakos, Laura

**STRAFFORD**

Billian, Deborah  
Cyr, James  
Hubbard, Pamela  
Mickelsonis, Shawn  
Rous, Emma  
Sprague, Dale  
Warren, Nancy

Brennan, William  
Fargo, Thomas  
Hutz, Sarah  
Perry, Robert  
Schmidt, Peter  
Smec, Robert  
Watson, Robert

Brown, Larry  
Hilliard, Dana  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

Burke, Rachel  
Hofemann, Roland  
Knowles, William  
Rollo, Michael  
Spang, Judith  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

**NAYS 150****BELKNAP**

Allen, Janet  
Millham, Alida  
Tilton, Franklin  
Wood, Jane

Clark, Charles  
Pilliod, James  
Tobin, William

Flanders, Donald  
Russell, David  
Wendelboe, Fran

Heald, Bruce  
Thomas, John  
Whalley, Michael

**CARROLL**

Ahlgren, Christopher  
Knox, J. David

Brown, Carolyn  
Martin, James

Chandler, Gene  
Merrow, Harry

Denley, William  
Patten, Betsey

**CHESHIRE**

Emerson, Susan  
Pelkey, Stephen

Hunt, John

Johnson, Jane

Parkhurst, Henry

**COOS**

King, Frederick

Remick, William

**GRAFTON**

Almy, Susan  
Gionet, Edmond  
Williams, Burton

Bulis, Lyle  
Harding, A Laurie

Cooney, Mary  
Ingretson, Paul

Eaton, Stephanie  
Mulholland, Catherine

**HILLSBOROUGH**

Batula, Peter  
Clark, Mark  
Day, Russell  
Emerton, Larry  
Haefner, Robert  
Hogan, Edith  
Jasper, Shawn  
Lessard, Rudy  
Messier, Irene  
Ober, Russell III  
Renzullo, Andrew  
Spratt, Stephen  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Coughlin, Pamela  
Dokmo, Cynthia  
Fletcher, Richard  
Hansen, Ryan  
Holden, Randolph  
Kurk, Neal  
Levasseur, Nickolas  
Moran, Edward  
Peterson, Andy  
Rosenwald, Cindy  
Stepanek, Stephen  
Winters, Joel

Bergin, Peter  
Crane, Elenore Casey  
Drisko, Richard  
Gargas, Carolyn  
Hawkins, Ken  
Hunter, Bruce  
L'Heureux, Robert  
Manney, Pamela  
O'Connell, Timothy  
Price, Pamela  
Soucy, Connie  
Tahir, Saghir

Christensen, Chris  
Daniels, Gary  
Elliott, Nancy  
Graham, John  
Hinkle, Peyton  
Infantine, William  
Lawrence, James  
McRae, Karen  
Ober, Lynne  
Reeves, Sandra  
Spaulding, Jayne  
Ulery, Jordan

**MERRIMACK**

Anderson, Eric  
Humphries, Charlie  
Reardon, Tara

DeJoie, John  
Kidder, David  
Reed, Dennis

DeStefano, Stephen  
Lockwood, Priscilla  
Ryan, Jim

Hess, David  
MacKay, James  
Webb, Leigh

**ROCKINGHAM**

Allen, Mary  
Borden, David  
Charron, Gene  
Flanders, John Sr  
Griffin, Mary  
Kappler, Lawrence  
McMahon, Charles  
Powers, James  
Rausch, James  
Stiles, Nancy  
Wells, Roger

Baldasaro, Alfred  
Camm, Kevin  
Dalrymple, David  
Garcia, Marilinda  
Headd, James  
Katsakiores, George  
Nowe, Ronald  
Priestley, Anne  
Reagan, John  
Waterhouse, Kevin  
Weyler, Kenneth

Bedrick, Jason  
Carson, Sharon  
Emiro, Frank  
Garrity, James  
Ingram, Russell  
Katsakiores, Phyllis  
Packard, Sherman  
Quandt, Marshall  
Robertson, Carl  
Weare, Everett  
Wickson, Rick

Belanger, Ronald  
Case, Frank  
Fesh, Bob  
Gould, Kenneth  
Itse, Daniel  
Major, Norman  
Pearson, Mark  
Quandt, Matthew  
Sanders, Elisabeth  
Welch, David  
Winchell, George

**STRAFFORD**

Brown, Jennifer  
Miller, Joseph

Brown, Julie

Goodwin, Earle

Grassie, Anne

**SULLIVAN**

Ferland, Brenda                      Rodeschin, Beverly  
and the committee report was adopted.  
Ordered to third reading.

Rep. Movsesian did not vote and notified the Clerk that she wished to be recorded in favor.

**HB 84**, relative to the hours of operation of vehicle inspection stations. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill would have prohibited the Commissioner of Safety from establishing minimum days and hours of operation for official inspection stations that operate part time or by appointment. The current law has been in effect for many years and the safety department has the responsibility to authorize normal business days and hours. It is costly for the Highway Patrol to oversee inspection stations that operate without normal hours. Minimum hours and days are necessary for the convenience of the public. Vote 15-2.

Rep. Timothy Robertson spoke against and yielded to questions.

Rep. Ferland spoke in favor and yielded to questions.

Committee report adopted.

**RESOLUTION**

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 6, 2007 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 117**, creating an exception for the storage of black gunpowder by historical reenactors and certain nonprofit entities.

**HB 187**, establishing that sheriffs' departments have sole jurisdiction to enforce civil orders.

**HB 98**, relative to the situation of landfills on land owned by municipalities.

**HB 396**, establishing a commission to study autism spectrum disorders in New Hampshire.

**HB 89**, establishing a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire.

**HB 99**, relative to the youth employment law.

**HB 153**, relative to standards for bridge and highway construction.

**HB 166**, relative to the definition of a bridge.

**HB 56**, relative to the definition of agritourism.

**HB 61**, designating segments of the Ammonoosuc River into the rivers management protection program.

**HB 438**, renaming a certain island in Blackey's Cove in Lake Winnepesaukee.

**HB 140**, establishing the New Hampshire commission on deafness and hearing loss.

**HB 168**, expanding the purposes of the wildflower establishment program.

**HB 180-FN**, relative to pay and allowances for officers and enlisted members of the national guard.

**HB 143**, relative to the apportionment of damages in civil actions.

**PERSONAL PRIVILEGE**

Rep. Baroody addressed the House.

**UNANIMOUS CONSENT**

Reps. Sorg and Kurk addressed the House.

**RECESS MOTION**

Rep. Wallner moved that the House stand in recess for the purpose of introduction of bills and receiving Senate messages.

Adopted.

The House recessed at 1:28 p.m.

RECESS

**(Rep. Claudia Chase in the Chair)**

**RESOLUTION**

Rep. Janet Allen offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill number 36 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.  
Adopted.

**INTRODUCTION OF SENATE BILL**

**First, second reading and referral**

***SB 36***, eliminating straight ticket voting. (Election Law)

RECESS

**(Speaker Norelli in the Chair)**

**RESOLUTION**

Rep. Wallner offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bills numbered 926 and 927 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.  
Adopted.

**INTRODUCTION OF HOUSE BILLS**

**First, second reading and referral**

***HB 926-FN***, relative to the regulation of pharmacies and pharmacists. (Wendelboe, Belk 1; Case, Rock 1; Bettencourt, Rock 4: Health, Human Services and Elderly Affairs)

***HB 927-FN***, relative to the specific criteria and substantive educational program that define an adequate education. (Rous, Straf 7; Stiles, Rock 15; Odell, Dist 8; Foster, Dist 13: Education)

RECESS

**(Speaker Norelli in the Chair)**

Rep. Wallner moved that the House adjourn.  
Adopted.

## HOUSE JOURNAL No. 7

Tuesday, March 6, 2007

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the member from Holderness, Representative Sid Lovett.

O Thou who art the Lord over Nations and the life force within history – whose requirements for us are to do justice, to love mercy and to walk humbly with Thee – and one another. We are grateful for the opportunity to serve as stewards for New Hampshire. May the so called “New Hampshire advantage” be for the least of our citizens – the fragile, the neglected, the children with needs – and not for ourselves. May our equal branches of government flourish with their distinct duties and challenges. Help us to doubt the simplistic slogans and spins. Let there be nothing true that we would be afraid to know and nothing false that we would wish to believe. Guide those in authority with wisdom and courage – guard those who stand in harms way for us. Grant us the serenity which comes from our deepest trust in Thee. Amen.

Rep. Barbara Shaw, member from Manchester, led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Beauchesne, Belanger, George Brown, Peter Cote, Forsing, Hofemann, Stephen Johnson, Jane Kelley, Laliberte, Loll, Benjamin Moore, Oliver and Priestley, the day, illness.

Reps. Bleyler, Buxton, Charles Clark, Drisko, Donald Flanders, Fletcher, Greco, Hansen, Hawkins, Heald, Hubbard, Infantine, Sally Kelly, Lisle, McRae, Pelkey, Reeves, Rochette, Warren and Wickson, the day, important business.

Rep. Hutchinson, the day, illness in the family.

Rep. Pilotte, the day, death in the family.

### INTRODUCTION OF GUESTS

Hon. Roy Maxfield, former member from Loudon and Hon. Sam Cataldo, former member from Farmington, guests of Rep. John Thomas. Barry Palmer, guest of Rep. David Smith. Gary Cloney, brother of Rep. Sandra Smith. Rachel Normandin, guest of the Belknap County delegation. Hon. Raymond Buckley, former member from Manchester, guest of the Majority Leader, Rep. Wallner.

### MOTION TO VACATE

Rep. Almy moved that the House vacate the reference of **HB 829**, establishing authority for a state property tax bank administered by the housing finance authority and requiring the housing finance authority board to develop a proposal and report to the general court, to the Committee on Ways and Means.

Adopted.

The Speaker referred **HB 829** to the Committee on Municipal and County Government.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Wallner moved that the Consent Calendar with the relevant amendments as printed in the day’s House Record be adopted.

**HB 97**, relative to the recording of audio and video images on private property for security purposes, removed by Rep. Dumaine.

**HB 171**, clarifying the wiretapping and eavesdropping statute, removed by Rep. Ulery.

**HB 177-FN**, including “unborn child” in the definition of “another” for the purpose of first and second degree murder, manslaughter, and negligent homicide, removed by Rep. Dumaine.

**HB 419-FN-L**, relative to the cost to counties of convicted inmates awaiting sentencing in a county correctional facility, removed by Rep. Rodeschin.

**HB 488-FN-A-L**, relative to the state chief medical examiner and medico-legal death investigations, removed by Rep. Rodeschin.

**HB 610-FN-A**, requiring the criminal justice and public safety committee to review motor vehicle fines and extending the effective date for certain motor vehicle fine reductions, removed by Rep. Rodeschin.

**HB 752-FN**, relative to per pupil funding for charter school pupils, removed by Rep. Rodeschin.

**HB 660-FN**, relative to an assistant state veterinarian, removed by Rep. Rodeschin.

**HB 704-FN-A**, relative to the commission on the status of men and making an appropriation therefor, removed by Rep. Rodeschin.

**HB 433-FN-A**, relative to funding of fish and game department search and rescue operations, removed by Rep. Rodeschin.

**HB 846**, transferring certain land in the town of Stoddard from the Trust for Public Land to the fish and game department, removed by Rep. Rodeschin.

**HB 597-FN**, relative to expenditure caps for institutional health facilities under the certificate of need law, removed by Rep. Itse.

**HB 858-FN**, relative to a discount medical plan organization, removed by Rep. Itse.

**HB 862-FN**, establishing an incapacitated adult fatality review committee, removed by Rep. Itse.

**HB 391**, establishing a committee to study the implementation of a circuit breaker on property tax liability, removed by Rep. Kennedy.

**HB 851-FN-A-L**, relative to the determination of county payments for nursing home services, removed by Rep. Schmidt.

**HB 157**, establishing a committee to determine a permanent location for the old state house, removed by Rep. Cali-Pitts.

**HB 403**, establishing the Interstate 93 widening commission, removed by Rep. Kurk.

**HB 189**, relative to swim lines in public waters, removed by Rep. Rodeschin.

**HB 440-FN**, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting, removed by Rep. Rodeschin.

**HB 498-FN-A**, dedicating certain OHRV and snowmobile unfunded road tolls to the fish and game department, removed by Rep. Graham.

**HB 664-FN**, relative to annual dam registration and permit application fees, removed by Rep. Rodeschin.

**HB 449-FN**, relative to motor vehicle inspections, removed by Rep. Vaillancourt.  
Consent Calendar adopted.

**HB 93**, relative to use of the child support guidelines worksheet. **OUGHT TO PASS.**

Rep. Jayne E. Spaulding for Children and Family Law: This bill requires that the child support guidelines worksheets used to determine the amount of child support be filed with the court and made available to the parties. The committee felt this bill provides an improved level of transparency in the determination of child support. Vote 17-0.

**HB 94**, relative to overpayments of child support. **OUGHT TO PASS.**

Rep. Daniel C. Itse for Children and Family Law: This bill modifies the child support statutes to provide for recovery of overpayment of child support by an obligor. It allows judges to provide for repayment in lump sum, or by adjustment of the order, and to prevent undue hardship to the obligee. Vote 17-1.

**HB 195**, relative to the calculation of child support on a per child basis. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel C. Itse for Children and Family Law: This bill proposes to make two changes to existing law: First, to change from a calculation that recognizes that additional children progressively require less expense than the first child to one that does not; second, to automatically remove the child support obligation when a child is no longer entitled to child support, without requiring a review of the current financial circumstances. The committee agrees with the concept of graduated child support and does not believe it is wise to attempt such a change without a comprehensive review of the child support statutes. The committee also finds that a hearing for child support modification can be requested whenever there is a substantial change in circumstance and that the hearing must be granted, and that this event is defined as a substantial change in circumstance. The committee believes that such modifications ought not to occur without a full review of financial circumstance. Finally, the committee believes that any obligor with the opportunity and desire to reduce their child support obligation will have the knowledge of their power to do so. The child support calculation guideline is available from the court online since September and is straightforward; therefore, the modification can be readily executed pro se. Vote 16-0.

**HB 240**, relative to the amount of child support arrearage triggering the denial of a passport. **OUGHT TO PASS.**

Rep. Barbara H. Richardson for Children and Family Law: This bill authorizes the New Hampshire Department of Health and Human Services to certify to the United States Secretary of Health and Human Services that an obligor who owes child support arrearages in the amount specified by the federal law may be denied a passport. Failure to meet this requirement would result in the possible loss of \$14 million for the State of New Hampshire. Vote 17-0.

**HB 292**, relative to consideration of the preference of a mature minor in the determination of parental rights and responsibilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carolyn M. Gargas for Children and Family Law: This bill makes consistent the wording in the statute regarding the ability of the court to consider the wishes of a mature minor. Vote 15-0.

#### **Amendment (0375h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to consideration of the preference of a mature minor in the modification of parental rights and responsibilities.

Amend the bill by replacing section 1 with the following:

1 Modification of Parental Rights and Responsibilities; Preference of Mature Minor. Amend RSA 461-A:11, I(e) to read as follows:

(e) If the court finds by clear and convincing evidence that a minor child is of sufficient maturity to make a sound judgment [~~about his or her proper custody~~], the court may give substantial weight to the preference of the mature minor child as to the [~~parent with whom he or she wants to live~~] **determination of parental rights and responsibilities**. Under these circumstances, the court shall also give due consideration to other factors which may have affected the minor child's preference, including whether the minor child's preference was based on undesirable or improper influences.

**HB 322**, establishing a committee to study enhancing training for retail liquor licensees. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: The issues sought to be addressed by this study committee were rolled into the duties of the study committee established by HB 323. Vote 17-0.

**HB 323**, establishing a committee to study the liquor commission and liquor revenues. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. Martin for Commerce: The committee had three bills to study various issues relating to the Liquor Commission. The committee combined all of the issues raised by the three study committee bills into this bill which will study training of licensees, revenues, enforcement, advertising, age restrictions in drinking establishments, the appeal process and any other pertinent matters. We also included the subject matter included in a liquor study committee bill before Executive Departments and Administration Committee. Vote 18-0.

#### **Amendment (0270h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study liquor commission revenues, enforcement, and training.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study liquor commission revenues, enforcement, and training.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties.

I. The committee shall study enhancing training by the liquor commission for retail liquor licensees. The committee's study shall include an examination of liquor commission rules on train-

ing and the current status of licensee training in other states. The committee shall solicit testimony from retail license holders and from alcoholism problem prevention, treatment, and rehabilitation professionals.

II. The committee shall study operations and policies of the liquor commission. The committee shall examine the revenues of the liquor commission and assess whether the liquor commission is adequately maximizing revenue sources. The committee's study shall include whether there are liquor-related sources of revenue that are not currently fulfilled by the liquor commission.

III. The committee shall review current laws and rules enforced by the liquor commission and any other matters that the committee deems necessary. The laws and rules reviewed by the committee shall include those relating to:

- (a) Advertising.
- (b) Age restrictions for admittance to certain establishments.
- (c) Enforcement.
- (d) The appeal process for violations and fines levied by the commission.
- (e) Licensing.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study liquor commission revenues, enforcement, and training.

**HB 341**, establishing a study committee to review current laws and rules enforced by the liquor commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: All of the issues sought to be addressed by this study committee were rolled into the duties of the study committee established by HB 323. Vote 17-0.

**HB 357**, relative to disclosure of the sale of revolving credit loans to third parties. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. DeStefano for Commerce: This bill requires that if a bank sells an account that is in default to a third party, the bank shall provide to the borrower the amount that the third party paid for the account in default upon the written request of the borrower. The committee felt that since many of these loans are bundled together, finding the exact discount amount would be difficult and unrealistic. Vote 16-0.

**HB 409**, relative to liquor licenses for sports recreation facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joel F. Winters for Commerce: Liquor licenses for recreation facilities currently make up six of the more than fifty types of licenses: This bill would have created a seventh, a sports recreation facility' liquor license. In order to begin lightening the load of liquor laws, the committee amended the bill to group the six other types of licenses under the new "sports recreation facility" definition and delete the superfluous ones. Vigorously maintaining the status quo, the sports recreation facility license does not change the fees or definitions of any of the deleted licenses, except for striking the word "indoor" from the current description of a qualifying tennis court under the "racquet sports facility" definition. Enabling language is also included to allow the liquor commission to issue rules defining other types of recreation facilities without additional legislation. Vote 17-0.

#### Amendment (0235h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Definitions; Sports Recreation Facility; Defined. Amend RSA 175:1 by inserting after paragraph LXIV-b the following new paragraph:

LXIV-c "Sports recreation facility" means a facility that is primarily established for general sports, fitness, and recreation services. Recreation facilities include the following types: alpine slide



facility, bowling facility, golf facility, racquet sports facility, ski facility, billiards/pool hall, or any similar recreation facility approved by the commission in rules.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 6:

3 Racquet sports facility; Definition. Amend RSA 175:1, LVII to read as follows:

LVII. "Racquet sport facility" means a facility which has at least one ~~[indoor]~~ regulation size tennis or regulation racquetball court, or 2 regulation size curling links, which are kept in proper condition.

4 On-Premises Liquor Licenses; Fees. Amend RSA 178:29, I to read as follows:

I. On-premises licensees shall pay the following applicable fees annually:

	Supplemental Only	Beverages and Wine	Beverages and Liquor	Cocktail Lounge
Airport				\$ 1,200
<del>[Alpine Slide</del>				<del>\$ 1,200]</del>
Ballroom	\$ 45			\$ 1,200
Bed and Breakfast		\$ 480	\$ 840	
Beer Festival				
One-day	\$ 250			
Two-day	\$ 300			
Three-day	\$ 350			
<del>[Billiards/Pool Hall</del>				<del>\$ 1,200]</del>
<del>Bowling Facility</del>				<del>\$ 1,200]</del>
Catering (all)				\$ 1,200
Catering (off-site only)				\$ 840
Catering (on-site only)				
18 events-	\$ 5			
36 events-	\$ 5			
52 events-	\$ 5			
Club Military				\$ 100
Club Social				
9 event	\$ 250			
18 events	\$ 450			
36 events	\$ 750			
52 events	\$ 1,200			
Club Private				\$ 1,200
Club Veterans				
9 events	\$ 250			
18 events	\$ 450			
36 events	\$ 750			
52 events	\$ 1,200			
College Club				\$ 1,200
Convention Center				\$ 2,400
Dining Car		\$ 480		\$ 840
Fairs		\$ 112		
<del>[Golf Facility</del>				<del>\$ 1,200]</del>
Hotel		\$ 840		\$ 1,200
One day License				\$ 100
Performing Arts				\$ 360
Racetrack/Motor Vehicle				\$ 1,800
Racetrack/Pari-Mutuel				\$ 3,000
<del>[Racquet Sports</del>				<del>\$ 1,200]</del>
Rail Cars				\$ 1,200
Restaurant		\$ 480	\$ 840	\$ 1,200
<del>[Ski Facility</del>				<del>\$ 1,200]</del>
Special License			\$ 25	

Sports/Entertainment Complex			\$ 1,800
9 events	\$ 250		
18 events	\$ 450		
36 events	\$ 750		
52 events	\$ 1,200		
<b>Sports Recreation Facility</b>			<b>\$ 1,200</b>
Vessel	\$ 480	\$ 840	\$ 1,200

5 Repeal. The following are repealed:

- I. RSA 178:22, V(b), relative to alpine slides.
- II. RSA 178:22, V(d), relative to bowling facilities.
- III. RSA 178:22, V(j), relative to golf facilities.
- IV. RSA 178:22, V(o), relative to racquet sports facilities.
- V. RSA 178:22, V(r), relative to ski areas.
- VI. RSA 178:22, V(t), relative to billiards/pool halls.

#### AMENDED ANALYSIS

This bill establishes a cocktail lounge license for sports recreation facilities and eliminates the separate licenses for facilities that are eligible for the sports recreation facility license.

**HB 579-FN-A**, establishing a health care fund, continually appropriating a special fund, and requiring certain employers to report certain information to the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Commerce: The bill as introduced would have affected only businesses with more than 1500 employees. Federal ERISA rules regulate large employers so the courts have already ruled against this legislation in other states. The sponsor did bring in an amendment that had some reporting requirements of all employers with 50 or more employees. The committee understands the sponsor's underlying concern to insure that all New Hampshire citizens have health insurance. There will be another bill from the committee that will be tasked to help all New Hampshire's citizens find affordable health insurance. Vote 18-0.

**HB 194**, relative to laboratories conducting alcohol concentration tests. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill is a request of the Department of Safety. Currently, RSA 265-A:7 states that a defendant who has had a blood alcohol test has the right to have an independent analysis of the BAC sample at his or her own expense. RSA 265-A:5(e) authorizes the commissioner to adopt rules relative to procedures for certification of any laboratory that conducts tests pursuant to RSA 265-A:7. This amendment to the statute eliminates a conflict of interest that may exist by having the Department of Safety oversee the independent laboratories. The bill, if passed, allows a laboratory to be accredited by a nationally recognized accrediting body instead of the Department of Safety. Vote 14-0.

#### Amendment (0121h)

Amend the bill by replacing section 1 with the following:

1 Administration of Alcohol Concentration Tests; Rules; Laboratories. Amend RSA 265-A:5, V(e) to read as follows:

(e) ~~[Procedures for certification of]~~ **A requirement that** any laboratory that conducts tests pursuant to RSA 265-A:7 **be accredited by any nationally recognized accrediting body;** and

#### AMENDED ANALYSIS

This bill requires that laboratories conducting alcohol concentration tests be accredited by any nationally recognized accrediting body.

This bill is a request of the department of safety.

**HB 227**, relative to identity theft. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P. Fontas for Criminal Justice and Public Safety: This bill allows for victims of identity theft to pursue damages in civil court. Damages could be pursued if a person obtains or records personal information of the victim, uses that information to acquire goods or services, obtains personal information in another person's name, or possesses personal information and gives it to

a third party. Additionally, this bill also allows for victims to submit an order obtained under this chapter as proof to a government entity or private business that financial accounts were fraudulently altered. The amendment changes the word "bank" to "financial institution," adds electronic and digital transactions under the definition of financial device, adds "driver's license" under the definition of personal information and adds the phrase "Unless otherwise permitted by state law or rules or federal statute or regulation," under prohibited conduct. Vote 14-0.

#### **Amendment (0127h)**

Amend RSA 359-I as inserted by section 1 of the bill by replacing it with the following:

#### **CHAPTER 359-I IDENTITY THEFT**

##### **359-I:1 Definitions. In this chapter:**

I. "Financial device" means any instrument or device that can be used to obtain cash, credit, property, services, or any other thing of value or to make financial payments, including but not limited to any of the following:

(a) A credit card, banking card, debit card, electronic fund transfer card, or guaranteed check card.

(b) A check.

(c) A negotiable order of withdrawal.

(d) A share draft.

(e) A money order.

(f) An Automated Clearing House ("ACH") or other electronic transaction.

(g) Any device or process, whether based on a binary or digital code used to transfer value from one person or entity to another.

II. "Personal information" shall include any one or more of the following, whether the information is owned by or assigned to the person it relates to:

(a) A first and last name of a user, whether given at birth or adoption, assumed, or legally changed.

(b) A home or physical address.

(c) An electronic mail address.

(d) A telephone number.

(e) A social security number.

(f) Any personal identification number.

(g) A credit or debit card number.

(h) Any access code associated with a credit or debit card.

(i) A date of birth, birth certificate number, or place of birth.

(j) A password or access code.

(k) A financial institution account number.

(l) A driver's license or other governmental identification.

III. "Victim" means any person whose personal information or financial device has been obtained, accessed, possessed, or recorded in violation of this chapter or any person that provided money, credit, goods, services, or anything of value and has suffered financial loss as a direct result of the commission or attempted commission of a violation of this chapter.

IV. "Person" means an individual, corporation, trust, partnership, incorporated or unincorporated association, limited liability company, or other form of entity, or any agency, authority, board, court, department, division, commission, institution, bureau, or other state governmental entity, or any political subdivision of the state.

##### **359-I:2 Prohibited Conduct.**

I. Unless otherwise permitted by state law or rules or federal statute or regulation, no person shall, without the authorization, consent, or permission of the other person, do any of the following:

(a) Obtain, record, or access personal information or a financial device that would assist the person in accessing financial resources or obtaining personal information owned by the other person other than that which is necessary to process a transaction for the benefit of the other person.

(b) Obtain goods, services, or some other benefit through the use of personal information or a financial device of the other person.

(c) Obtain personal information or financial device documents in the other person's name.

(d) Possess the personal information or a financial device of the other person without permission or lawful authority, with the intent to use or to aid or permit some third person to use such information or device to obtain cash, credit, property, services, or any other thing of value or to make a financial payment.

(e) Use or possess personal information or a financial device of the other person without permission or lawful authority with the intent to obtain, or to aid or permit some third person to obtain, a government-issued document.

(f) Falsely make, complete, or alter a written instrument containing any personal information of the other person.

(g) Make or convey a materially false statement, without permission or lawful authority, with the intent to obtain, record, or access the personal information or financial device of the other person.

II. This section shall not apply when a person obtains the identity of another person to misrepresent his or her age for the sole purpose of obtaining alcoholic beverages, tobacco, or another privilege denied to minors.

359-I:3 Liability. In addition to any other remedies provided by law, a victim may bring an action in his or her county of residence or any county in which any part of the act took place, regardless of whether the person who committed the violation was ever actually present in that county, against the person who violated this chapter to recover the following:

I. \$5,000 for each incident, or 3 times the actual damages, whichever is greater.

II. Reasonable attorney's fees and court costs.

359-I:4 Correction of Public and Private Records.

I. Any order obtained under this chapter, or any conviction under RSA 638:26, may be submitted in any civil proceeding to set aside a judgment against the victim.

II. The victim may submit the order obtained under this chapter, or any conviction under RSA 638:26, to any governmental entity or private business as proof that any financial accounts therein created or altered in violation of this chapter, RSA 638:26, or RSA 638:5 and were not the actions of the victim.

**HB 37, relative to notification requirements for criminal offenders. OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara E. Shaw for Education This bill requires a school administrative unit, school district, or charter school to adopt a policy designating certain categories of volunteers as "designated volunteers" who may be required to undergo a background investigation and a criminal history records check and provides limited liability to the school administrative unit, school district, or charter school for permitting certain volunteers to have direct contact with students when this requirement is met. It also allows local law enforcement agencies to notify schools within their jurisdiction of the address of a registered criminal offender. The amendment changes the words "all schools" to "school administrative unit, school district, or charter school." Vote 12-0.

**Amendment (0300h)**

Amend RSA 651-B:3, I-II as inserted by section 3 of the bill by replacing it with the following:

651-B:3 Release of Certain Sexual Offenders Into the Community; Duties.

I. Upon release of any sexual offender or offender against children required to register, whether on probation, parole, conditional or unconditional release, completion of sentence, release from secure psychiatric care, release into the community after involuntary commitment, release from a juvenile detention facility, or for any other reason, the official in charge of such release shall notify the offender of the offender's duty to report under this chapter. The offender shall acknowledge in writing that he has received such notice. The official shall obtain the address at which the offender expects to reside upon release and shall report such address to the department. The department shall inform the local law enforcement agency *in the city or town* where the offender expects to reside. *The local law enforcement agency in the city or town where the offender expects to reside may notify the superintendent of the school administrative unit and the principal of any school within its jurisdiction of the address at which the offender expects to reside. If such notification occurs, the local law enforcement agency shall also notify the superintendent of the school administrative unit and the principal of any school within its jurisdiction of any changes to the offender's information made pursuant to RSA 651-B:5.* The division shall enter the information concerning the offender's release and notification in the LENS system.

II. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, the department shall obtain the address at which the offender expects to reside and shall inform the local law enforcement agency. *The local law enforcement agency in the city or town where the offender expects to reside may notify the superintendent of the school administrative unit and the principal of any school within its jurisdiction of the address at which the offender expects to reside.* The department shall locate and shall serve notice upon such offender of the offender's duty to report under this chapter. Service by the department is not required if the offender has already registered with the local law enforcement agency in which the offender resides or is located as required by this chapter. At the time of the initial registration, the offender shall acknowledge in writing that the offender has received notice of the duty to report. The division shall enter the information concerning the offender's location in New Hampshire and notification in the LENS system. This paragraph shall not apply to a sexual offender or offender against children who has moved to New Hampshire and has registered with a local law enforcement agency.

Amend RSA 651-B:5, II as inserted by section 4 of the bill by replacing it with the following:

***II. The local law enforcement agency in the city or town where the offender resides may notify the superintendent of the school administrative unit and the principal of any school within its jurisdiction of a new place of residence, a change of name, or a change of an alias, of a person required to be registered under this chapter.***

#### AMENDED ANALYSIS

This bill:

I. Requires a school administrative unit, school district, or charter school to adopt a policy designating certain categories of volunteers as "designated volunteers" who may be required to undergo a background investigation and a criminal history records check.

II. Allows local law enforcement agencies to notify the superintendent of the school administrative unit and the principal of any school within its jurisdiction of the address of a registered criminal offender.

III. Provides limited liability to a school administrative unit, school district, or charter school for permitting certain volunteers to have direct contact with students.

**HB 651-L**, extending the school building aid grant program to cover kindergarten construction costs. **INEXPEDIENT TO LEGISLATE.**

Rep. Judith E. Day for Education: The committee determined that this bill was unnecessary because extending kindergarten aid is addressed in HB 669. Vote 14-0.

**HB 120**, relative to extending polling hours. **OUGHT TO PASS.**

Rep. Betty B. Hall for Election Law: The bill enables the governing body of a town to extend the polling hours. It does not allow the towns to decrease from the current statutory requirement. The committee believes local communities and their governing bodies can make the decision to extend hours if they believe it is necessary. Vote 14-1.

**HB 127**, relative to voter registration forms. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for Election Law: The majority found that the intent of the sponsor was to remove possibly intimidating language in the form of a "civics lesson" warning legally domiciled voters that they would be treated as legal residents in terms of drivers and motor vehicle licensing. Another bill under consideration by the committee includes removing the "civics lesson" and clarifying the domicile law. Vote 15-1.

**HB 146**, relative to nicknames on ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles F. Weed for Election Law: The purpose of this bill was to clarify how one designates his or her name when filing as a candidate. The committee removed language requiring burden of proof and permits nicknames by which the candidate is commonly recognized. The candidates may not imply they are some other person and may not chose a slogan associated with a cause or that is offensive. The designated name may be the given name or its shortened form or a one word nickname. The designation may include a middle initial and shall include his or her surname. The Secretary of State believes this is a great improvement. Vote 15-0.

**Amendment (0122h)**

Amend the bill by replacing section 1 with the following:

1 Form of Candidate's Name on Ballot; Nicknames. Amend RSA 655:14-b, I-II to read as follows:

I. Every candidate for state or federal office who intends to have his or her name printed upon the ballot of any party for a primary shall designate in the declaration of candidacy, or on the primary petitions and assents to candidacy, the form in which the candidate's name shall be printed on the ballot. ~~[The candidate may designate his or her given, first, and middle name, the initials of his or her given, first, and middle name, a nickname, or any combination thereof as the form in which the candidate's name shall be printed on the ballot, but the candidate shall not designate a deceptive name. If the candidate designates a nickname in place of or in combination with the candidate's given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately before his or her surname. If the candidate designates a nickname, the nickname shall be customarily related to the candidate's given name, or, if the nickname is not customarily related to the candidate's given name, the candidate shall submit clear and convincing evidence that the candidate has been known by the nickname for at least the 5 years immediately preceding the time of filing. If deemed sufficient by the appropriate official, 3 affidavits from voters in the district who are not related to the candidate stating that the candidate has been known by the nickname for at least 5 years may constitute clear and convincing evidence. Nicknames shall be limited to one word, except for 2-word nicknames customarily related to the candidate's given name.]~~ ***The designated name may include the candidate's given name or a shortened form of the candidate's given name or a one-word nickname by which the candidate is commonly recognized. The designated name may also include a middle initial.*** No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, or that has an offensive or profane meaning. A candidate shall include his or her surname in the designation of the form in which the candidate's name shall be printed on the ballot.

II. Every candidate for state or federal office who intends to have his or her name placed on the ballot for the state general election by means other than nomination by party primary shall designate in the declaration of intent the form in which the candidate's name shall be printed on the ballot. ~~[The candidate may designate his or her given, first, and middle name, the initials of his or her given, first, and middle name, a nickname, or any combination thereof as the form in which the candidate's name shall be printed on the ballot, but the candidate shall not designate a deceptive name. If the candidate designates a nickname in place of or in combination with the candidate's given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately before his or her surname. If the candidate designates a nickname, the nickname shall be customarily related to the candidate's given name, or, if the nickname is not customarily related to the candidate's given name, the candidate shall submit clear and convincing evidence that the candidate has been known by the nickname for at least the 5 years immediately preceding the time of filing. If deemed sufficient by the appropriate official, 3 affidavits from voters in the district who are not related to the candidate stating that the candidate has been known by the nickname for at least 5 years may constitute clear and convincing evidence. Nicknames shall be limited to one word, except for 2-word nicknames customarily related to the candidate's given name.]~~ ***The designated name may include the candidate's given name or a shortened form of the candidate's given name or a one-word nickname by which the candidate is commonly recognized. The designated name may also include a middle initial.*** No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, or that has an offensive or profane meaning. A candidate shall include his or her surname in the designation of the form in which the candidate's name shall be printed on the ballot.

**AMENDED ANALYSIS**

This bill limits the names that a candidate may designate for printing on ballots and eliminates requirements for the use of nicknames not related to the candidate's given name.

**HB 163**, relative to the definition of "slaughterer." **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy D. O'Connell for Environment and Agriculture: The New Hampshire Fish and Game Department testified in opposition to this bill indicating that the Department of Agri-

culture, Markets, and Food has already, under rulemaking, clearly included propagator to the list of persons defined as slaughterer under RSA 427:33. Vote 18-0.

**HB 204**, relative to the sale of unpasteurized milk. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy D. O'Connell for Environment and Agriculture: No one testified in favor of the bill including the prime sponsor who recommended that the bill be Inexpedient to Legislate. The sponsor also indicated that the Department of Health and Human Services had no concerns with the ITL recommendation. Vote 16-0.

**HB 208**, relative to the definition of swine as a nuisance. **OUGHT TO PASS.**

Rep. Burton W. Williams for Environment and Agriculture: Removing the definition of Swine as a nuisance from RSA 147:10 would improve the law and have no effect on the duties of local health officers who already have extensive powers in this regard. Vote 17-1.  
Referred to the Committee on Municipal and County Government.

**HB 236**, relative to the use of "farmer's markets" in trade names. **OUGHT TO PASS.**

Rep. Jane E. Beaulieu for Environment and Agriculture: This bill clearly defines what constitutes a "farmers market" and this term has become widely understood to mean exactly what the statutory definition says: a gathering of two or more vendors of agricultural and other commodities that is not held on the property of any of the participating vendors. Some businesses which do not meet the statutory definition of the term use the name farmers markets. This bill does not impinge upon any business enterprise using the term "farmers' market" in its trade name if that name has already been registered at the time of passage of this bill. Vote 15-1.

**HB 585-FN**, assessing a fee on all dogs and cats sold at retail that are not sexually sterilized, to be deposited in the companion animal neutering fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for Environment and Agriculture: This bill, as amended, represents an attempt to provide additional funding for the state's neutering program for dogs and cats. Originally, the bill established a \$20 fee on all unneutered dogs and cats sold at retail. The committee believes a better solution came forward from the State Veterinarian who authored the amendment which makes the fee \$40 but then would rebate the entire amount should the new owner of the dog or cat have the animal neutered within a specified time after purchase. Thus, this is not a mandatory fee and this does not represent an attempt to force any animal to be neutered. It does, however, recognize that neutering is beneficial to both animals and our society and provides an incentive to that end. Since the state's spaying and neutering program has gone into effect, the euthanasia rate for dogs and cats has dropped from 45 to 18 percent, one of the lowest in the nation. However, the cost of neutering animals continues to increase, from less than \$100 for a male cat to upwards of \$500 for a female dog, and in recent years the neutering fund has been drained prior to year's end. Estimates are that 40 percent of adult dogs and 20 percent of adult household cats are unneutered. At that rate, the \$40 fee would not be rebated to 20 percent of 1100-1400 cat owners and 40 percent of 3000-3500 dog owners, generating approximately \$65,000 for the fund. If fewer monies are forthcoming, the news is still good since that would mean more animals are being neutered. It's a classic win-win situation with the additional benefit that, unlike in the past when dog owners bore the brunt of the neutering program (through registration fees), cat owners would now pay a share. Monies are also generated without having to resort to a new tax. Vote 17-1.

**Amendment (0241h)**

Amend the title of the bill by replacing it with the following:

AN ACT requiring all animal shelter facilities, pet shops and commercial kennels to collect a neutering deposit when placing a cat or dog that has not been neutered.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Dog and Cat Neutering Deposit. Amend RSA 437 by inserting after section 10 the following new section:

437:10-a Dog and Cat Neutering Deposit.

1. No animal shelter facility, pet shop, or commercial kennel licensed by the department in accordance with RSA 437:1 shall sell, give away, adopt, or otherwise transfer ownership of any dog or cat that has not been permanently sexually sterilized without collecting a neutering deposit of no less than \$40 at or before the time of transfer. At the time of receipt of such deposit, the pet

shop, commercial kennel, or animal shelter facility shall provide a sterilization certificate to the person who has paid the deposit. The sterilization certificate shall be on a form provided by the commissioner and shall state the date by which the animal must be sterilized in order for the depositor to secure the return of the deposit. In the case of kittens or puppies that are less than 5 months old at the time of transfer, that date shall be on or before the date the kitten or puppy becomes 6 months of age. In the case of cats or dogs 5 months of age or older at the time of transfer, the date of sterilization shall be within 30 days of the date of transfer.

II. To reclaim the neutering deposit, the depositor must submit the sterilization certificate to the animal shelter facility, commercial kennel, or pet shop which took the deposit within 60 days of the date the sterilization was performed. The certificate must be signed by a licensed veterinarian and specify the date on which the sterilization was performed. If the depositor does not submit the signed sterilization certificate within the time period specified above, the deposit shall be considered to have been forfeited. All forfeited neutering deposits shall be remitted by the animal shelter facility, commercial kennel, or pet shop to the commissioner on a quarterly basis. The commissioner shall deposit all forfeited neutering deposits in the companion animal neutering fund established under RSA 437-A:4-a.

2 New Paragraph; Rulemaking. Amend RSA 437:5 by inserting after paragraph III the following new paragraph:

IV. The commissioner shall adopt rules under RSA 541-A to implement the collection of neutering deposits on the transfer of unneutered dogs and cats under RSA 437:10-a.

3 Companion Animal Fund. Amend RSA 6:12, I(b)(59) to read as follows:

(59) Moneys received under RSA 466:4, I(c), RSA 466:6, III, ***RSA 437:10-a***, and RSA 437-A which shall be credited to the companion animal neutering fund, established in RSA 437-A:4-a.

4 Effective Date. This act shall take effect January 1, 2008.

#### AMENDED ANALYSIS

This bill requires animal shelter facilities, pet shops, and commercial kennels to collect a neutering deposit when placing a cat or dog that has not been neutered.

This bill also requires that the deposit be remitted to the companion animal neutering fund if the depositor does not return a certificate of sterilization to the animal shelter facility, commercial kennel, or pet shop that placed the cat or dog with the depositor.

Referred to the Committee on Ways and Means.

#### ***HB 135***, establishing the second Sunday in October as Firefighters Memorial Day. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela V. Manney for Executive Departments and Administration: This bill would designate the second Sunday in October as Firefighters Memorial Day in recognition of the service given by the men and women who have been killed or disabled in the line of duty and those still serving. This date would coincide with New Hampshire Fire Prevention Week held the second week of October. Vote 16-0.

#### **Amendment (0166h)**

Amend RSA 4:13-m as inserted by section 1 of the bill by replacing it with the following:

4:13-m Firefighters Memorial Day. In recognition of the service given by the men and women who, night and day, serve the people of this state as firefighters, and inviting the governments, communities, and people of this state to observe such day with appropriate ceremonies and activities, the governor shall proclaim the second Sunday in October of each year as Firefighters Memorial Day in honor of the firefighters who have been killed or disabled in the line of duty and those still serving.

#### ***HB 160***, relative to the appointment of the executive director of the public employee labor relations board. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would have changed the appointment of the director of the public employee labor relations board from the labor relations board to the governor and council. The testimony was mostly against this bill because of the fear it would politicize the position. The governor and council appoint the nine members of the board and it was felt they would best be able to find a director that would fit their needs. There was much testimony to the effect that if it isn't broken, don't fix it. Vote 14-1.



**HB 170**, relative to professional membership on certain occupational regulatory boards. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne E. Beauchesne for Executive Departments and Administration: This bill would change the membership on occupational licensing and regulatory boards so that at least one-half of the membership are not persons regulated by the respective boards. The intention of the sponsor was to include more public members on regulatory boards, and the sponsor was the only person to speak in support of the bill. After fifty members, both professional and public members indicated their opposition to the legislation. Public members are already members of boards and finding willing people to serve can be problematic. Additionally these boards are regulatory in nature and involve credentialing, licensing and disciplinary procedures. The committee agreed that public participation is very important but should not outweigh the professional membership. Vote 14-0.

**HB 249**, extending the study committee on the rules process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill extends the administrative rules process study committee until November 1, 2008. We must vote every two years to extend the study committee. We also eliminated some language that was redundant. The Joint legislative Committee on Administrative Rules may send a copy of their objection to a new rule to the appropriate policy committee. Vote 15-0.

**Amendment (0155h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to preliminary objections to rules made by the joint legislative committee on administrative rules, and relative to extending the study committee on the rules process.

Amend the bill by replacing all after the enacting clause with the following:

1 Rulemaking; Preliminary Objections by the Joint Legislative Committee on Administrative Rules; Policy Committee Review. Amend RSA 541-A:13, V(b) to read as follows:

(b) If the committee objects to the final proposal as filed or as amended pursuant to paragraph II, the committee shall send the agency a preliminary written objection stating the basis for the objection. A preliminary objection or conditional approval shall require the assent of a majority of the votes cast, a quorum being present. If a preliminary objection is made [~~to a rule proposed to implement a new or newly amended state statute~~], the committee may send a copy of the preliminary objection to the appropriate standing policy committees and, if so, shall give notice to the agency. Within 30 days of the date the preliminary objection was entered, the standing policy committee may review the proposed rules and the preliminary objection and may advise the committee relative to the basis for the preliminary objection.

2 Study Committee of the Rules Process Extended. Amend 2006, 145:10, VI to read as follows:

VI. The committee shall report its findings, any recommendations for proposed legislation, and any specific recommendations for implementing procedures designed to improve rulemaking that do not require statutory changes. Such report shall be submitted to the appropriate policy committees of the house of representatives and the senate, the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [~~2006~~] 2008.

3 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill clarifies the procedure for the joint legislative committee on administrative rules to make a preliminary objection and send the proposed rule to the standing policy committees for review. This bill also extends the study committee on the rules process established in 2006, 145:10.

**HB 326**, relative to disclosure of the basis for disciplinary proceedings among members of the board of medicine. **INEXPEDIENT TO LEGISLATE.**

Rep. Carl G. Robertson for Executive Departments and Administration: This bill would require disciplinary proceedings before the Medical Review Board to be disclosed to all the members of the review committee and the Board of Medicine. The committee, after listening to the testimony, felt that the proceedings asked for in the bill were already in practice. It was also disclosed that

any problems of communication would be cited in the ongoing performance audit that is being conducted by the Legislative Budget Office. The audit will review all processes of the Medical Review Board and make recommendations, including future legislation. Vote 17-0.

**HB 362**, relative to the director of the division of vital records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill, as amended, fine tunes a section of the Vital Records statute, (RSA 126:24-g and h) that was passed two years ago that established an Advisory Committee on Quality of Vital Records Information. The purpose of the committee is to provide some quality assurance oversight for the two departments involved with the utilization of the vital record data: the Secretary of State's office and the Department of Public Health. The amendment adds the Secretary of State or designee to the membership and clarifies how the chair is selected. Vote 16-0.

**Amendment (0160h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the advisory committee on quality of vital records information.

Amend the bill by replacing all after the enacting clause with the following:

1 Report by Advisory Committee on Quality of Vital Records Information. Amend RSA 126:24-g to read as follows:

126:24-g Report. Annually, on or after April 30 for birth data, and on or after August 31 for death data, the committee **established in RSA 126:24-h** shall produce a report on the quality of the prior year's vital records data based on the final data year reports received from the National Center for Health Statistics for natality and mortality demographic files. The report shall include a statement on the quality and completeness of each element recorded on the statistical forms as they are maintained electronically. The report shall be submitted to the commissioner, or designee, the secretary of state, the registrar of vital records, the speaker of the house of representatives, and the president of the senate.

2 New Subparagraph; Membership of Advisory Committee on Quality of Vital Records Information; Secretary of State Added. Amend RSA 126:24-h, I by inserting after subparagraph (i) the following new subparagraph:

(j) The secretary of state, or designee.

3 Advisory Committee on Quality of Vital Records Information; Terms. Amend RSA 126:24-h, II to read as follows:

II. The members of the committee shall choose a chairperson by majority vote. Members of the advisory committee shall serve 2-year terms and no member shall serve more than 2 consecutive terms. The members under subparagraphs I(e) through [(†)] (j) shall serve terms coterminous with their terms of office.

4 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

The bill clarifies the reporting requirement for the advisory committee on quality of vital records information and adds the secretary of state, or the secretary of state's designee, to the committee.

**HB 388-FN-A**, establishing the position of fire protection engineer and requiring the commissioner of safety to establish fees for building, life safety, and fire protection system plan review by the state fire marshal. **INEXPEDIENT TO LEGISLATE.**

Rep. John Reagan for Executive Departments and Administration: Testimony supported the requirement to have building plans reviewed by a fire protection engineer. The review requirement is a good practice to ensure life safety and building integrity under the stress of a fire or other calamity. However, the expansion of the Department of Safety would be the most expensive method for the New Hampshire taxpayer and fails to guarantee timely plan review. Timeliness of plan review is a current and persistent complaint of builders, developers and inspectors across the state. By requiring the developer to have the plans reviewed by a licensed professional engineer certified as a fire protection engineer firm would guarantee the timeliness of review. By leaving the plans review to the private sector, New Hampshire avoids adding to the public payroll. The private plan review would leave the cost with the developer where all other plans reviews are paid for now. Vote 13-2.

**HB 439**, relative to certain rulemaking authority of the commissioner of environmental services. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill came about from a performance audit conducted by the Legislative Budget Office. There were a number of areas where Administrative rules were not adopted as required in the statutes. Testimony was given that in some cases the rules were put in as statutes and in other cases the federal law mandated the rules. Therefore, we are removing the rulemaking authority from eight RSAs. Vote 17-0.

**HB 482**, adding the song "Live Free or Die" as an official state song. **OUGHT TO PASS.**

Rep. Catriona D. Beck for Executive Departments and Administration: Fourth grade students from Birch Hill Elementary School in Nashua appeared before the committee and sang a song, "Live Free or Die," which upon passage would be added as another official state song. This song speaks to the history and patriotism of New Hampshire, unlike all other state songs which address the beauty of our fine state. The testimony given by the students compelled the committee to pass this bill. Vote 14-1.

**HB 489-FN**, changing the salary grade of certain department of safety positions. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell C. Day for Executive Departments and Administration: This bill would affect four positions in the Department of Safety. The committee opposed this bill as there already exist methods of achieving equity in salary for supervisory personnel to receive a higher salary than a subordinate. The bill would be in conflict with the system-wide New Hampshire personnel structure, the Hay Group Report and negate the efficacy that currently exists. Vote 16-0.

**HB 580-FN**, relative to certain accidental disability retirement allowances payable to surviving spouses of retired members. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: Testimony was given that a number of persons (20 to be exact) were harmed by the RSA that limits the surviving spouse to collect 50% of the retirement benefit after the death of the retired member. This bill would have changed that to 100% of the benefit. This goes against the entire retirement system option of receiving payments. When a member retires, they have the option of taking larger monthly benefits that end upon their death or to take smaller checks that will continue until both the spouse and member die. This bill could have an impact upon the retirement system by changing the 50% to 100% for anyone becoming disabled in the future. Vote 16-0.

**HB 834-FN-A**, relative to sales of tobacco products in state liquor stores. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela V. Manney for Executive Departments and Administration: This bill's intent was to take all retail sales of tobacco products out of the hands of retail merchants to be exclusively sold in liquor stores. This bill imposes an 80 cent tax on each pack of cigarettes and a 17% tax on wholesale tobacco products other than cigarettes. This bill would exempt one portion of the populace, New Hampshire Veterans' Home residents, from paying the tax, with a limit of two cartons each a week. The committee could not support this bill for several reasons. The Liquor Commission testified against it citing lack of space, time, desire and cost to implement. The negative impact on state revenue and the unintended consequence of this bill regarding the damage the passage of this bill would cause to the livelihood of retail business owners, especially small business owners and those border business owners was of concern to the committee. Vote 15-0.

**HB 59**, relative to crossbow hunting by a person with a disability. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jesse J. Martineau for Fish and Game: The purpose of this bill is to allow persons with a disability who are issued crossbow permits to take any species permitted to be taken by bow and arrow, pursuant to RSA 208:5. Currently, persons who have permanent physical disabilities are restricted to taking only deer during bow and arrow season, bear during the specified season, wild turkey and carp from Mascoma Lake. This bill has the support of the Fish and Game Department. Vote 17-0.

#### **Amendment (0055h)**

Amend the bill by replacing section 1 with the following:

1 Crossbow Hunting by Persons With a Disability. Amend RSA 207:10-c, I to read as follows:

I. Notwithstanding the provisions of RSA 207:10, a crossbow permit may be issued to a person who has a permanent physical disability and as a result of that disability the person cannot operate a conventional longbow or compound bow safely. Such permit shall allow that person to take ~~deer during bow and arrow hunting season, bear during the specified season, wild turkey, and carp from Mascoma lake pursuant to RSA 211:2;~~ *any species permitted to be taken by bow and arrow pursuant to RSA 208:5*, provided that the *bow and arrow license under RSA 208:5 and the necessary licenses under RSA 208, RSA 209, and RSA 214* have been acquired each year. The permit applicant may be required to appear before the executive director, the director's designee or designated medical consultant or consultants to substantiate the presence of the disability and demonstrate the ability to safely use a crossbow. The applicant shall be responsible for submitting medical documentation as required by the executive director. The executive director may require a second medical opinion from a medical consultant or physician designated by the executive director to verify the disability. Any costs associated with obtaining the medical documentation, re-evaluation of the information or a second medical opinion, upon recommendation of the medical consultant or consultants, are the responsibility of the applicant. The executive director shall determine the eligibility of the applicant, and the executive director's decision shall be final.

### AMENDED ANALYSIS

This bill allows persons with disabilities who are issued crossbow permits to take any species permitted to be taken by bow and arrow.

**HB 248**, eliminating a separate dedicated account for the fish and game department trapping education program and transferring the sum into the fish and game fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert J. L'Heureux for Fish and Game: This bill eliminates certain dedicated accounts, derived from illegal taking or possessing, that were dedicated to the Fish and Game Department trapping education program, and transfers the sum into the Fish and Game Department general fund. This legislation, which has the support of the Fish and Game Department, is the result of an ad hoc committee recommendation, which reviewed all of the department dedicated funds. The amendment simply returns a provision of the law that was inadvertently omitted. Vote 17-0.

### Amendment (0094h)

Amend the title of the bill by replacing it with the following:

AN ACT eliminating separate dedicated accounts in the fish and game department and transferring the sums into the fish and game fund.

Amend the bill by replacing all after section 2 with the following:

3 Restitution for Illegal Taking or Possessing; Funds. Amend RSA 207:55, III to read as follows:

III. Courts ordering such reimbursement damages shall remit such monies as prescribed in RSA 206:34. Monies collected from such reimbursement damages shall be ~~[used for game management activities within the fish and game department and such funds shall be nonlapsing]~~ *deposited in the fish and game fund.*

4 Transfer. All sums dedicated for the fish and game department trapping education program or for restitution for illegal taking or possessing held in account by the state treasurer on the effective date of this act shall be deposited into the fish and game fund for the use of the fish and game department.

5 Repeal. The following are repealed:

I. RSA 6:12, I(b)(214) relative to funds in the trapping education program.

II. RSA 6:12, I(b)(216) relative to funds from restitution for illegal taking.

6 Effective Date. This act shall take effect July 1, 2007.

### AMENDED ANALYSIS

This bill removes requirements that certain revenues of the fish and game department be dedicated to the trapping education program. The bill also removes a dedicated fund for restitution for illegal taking or possessing.

This bill is a request of the fish and game department.

**HB 411**, establishing a committee to study the absorption of the fish and game department by other state agencies. **INEXPEDIENT TO LEGISLATE.**

Rep. James E. Kennedy for Fish and Game: The committee feels that establishing a committee to study the absorption of Fish and Game Department is not necessary and the conduct of the Fish and Game performance audit will answer a lot of questions. We recommend waiting and act at the end of the audit to correct problems and propose changes at that time. Vote 14-1.

**HB 453**, establishing a committee to study the feasibility of merging marine patrol and fish and game department law enforcement staffing and resources. **INEXPEDIENT TO LEGISLATE.**

Rep. Vincent E. Greco for Fish and Game: It was the feeling of the committee initiating a study committee for such a merger would not be of benefit at this time, especially with a performance audit in the making. Such an audit could answer these needs. Vote 16-0.

**HB 570-FN-A**, increasing the fee for a wild turkey hunting license. **OUGHT TO PASS.**

Rep. Richard E. Fletcher for Fish and Game: This bill increases the fee for turkey hunting licenses from \$5 in the spring and \$5 in the fall to \$15 to cover both turkey hunting seasons. This bill brings the permit fee in line with neighboring states but does not raise it above the two states. This bill also eliminates a fee to hunt with a shotgun in the fall for turkey in those parts of the states where it is legal. Fish and Game estimates a revenue increase of \$134,470 in 2008. This bill is to take effect on January 1, 2008. Vote 11-0.

Referred to the Committee on Ways and Means.

**HB 576-FN-A**, increasing certain fish and game nonresident license or permit fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert J. L'Heureux for Fish and Game: This legislation would increase the non-resident moose permit fee to a minimum of \$450.00 and the non-resident turkey fee to \$30.00 to bring these fees more in line with our neighboring states. There has not been a moose permit fee increase since the moose lottery was instituted in 1988. The amendment removes the proposed increase in non-resident bear tags and duplicate license fees for both resident and non-residents. The amendment also changes the effective date to January 1, 2008. This bill as amended has the support of the Fish and Game Department. Vote 11-0.

#### **Amendment (0221h)**

Amend the bill by replacing all after section 1 with the following:

2 Wild Turkey; Nonresident Fee. Amend RSA 214:9, XI to read as follows:

XI. If the applicant *is a resident and* wishes to hunt wild turkeys, \$5, *and if the applicant is a nonresident and wishes to hunt wild turkeys, \$30*, and the fish and game department shall thereupon issue a wild turkey license or permit which shall entitle the licensee to hunt, shoot, kill and take turkey, except by the use of traps.

3 Effective Date. This act shall take effect January 1, 2008.

#### **AMENDED ANALYSIS**

This bill sets a required minimum moose permit fee for nonresidents and increases the nonresident wild turkey license or permit fee issued by the fish and game department.

Referred to the Committee on Ways and Means.

**HB 623-FN**, establishing a game management account in the fish and game fund and transferring certain other fish and game accounts into the game management account. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis F. Abbott for Fish and Game: This bill, as amended, removes separate dedicated funds for moose, bear, wild turkey and waterfowl licenses or permits, and transfers the balances in those accounts into a new game management account. The game management fund will allow the Fish and Game Department to expend funds in the best interests of the resource and to the best benefit of all our citizens. The consolidation of the dedicated funds will also reduce administration costs amounting to over \$50,000 per year. Vote 16-0.

#### **Amendment (0194h)**

Amend RSA 206:34-b, I as inserted by section 3 of the bill by replacing it with the following:

I. The state treasurer shall establish a separate nonlapsing account within the fish and game fund, to be known as the game management account. Each month the department shall determine

the number of stamps, licenses, applications or permits sold for moose, bear, turkey, and waterfowl and, for each, transfer \$10 to the game management account. The moneys in this account shall be used exclusively for the implementation of a comprehensive population and habitat management program, including research and management, protection, education, and outreach for game as defined in RSA 207:1, IX, fur-bearing animals as defined in RSA 207:1, VIII, and migratory game birds as defined in RSA 209:5 to include waterfowl, snipe, and woodcock. Funds in the game management account are hereby continually appropriated for said purposes. Said funds shall be expended for the purposes of this section as determined by the executive director with approval of the commission.

#### AMENDED ANALYSIS

This bill establishes a game management account in the fish and game fund, removes separate accounts for moose, bear, wild turkey, and waterfowl stamps, licenses, applications, or permits, and transfers balances in those accounts into the game management account.

This bill is a request of the fish and game department.

Referred to the Committee on Finance.

**HB 517**, establishing a commission to investigate cost drivers in providing health care. **OUGHT TO PASS.**

Rep. Evalyn S. Merrick for Health, Human Services and Elderly Affairs: This commission will establish a forum to review and study health care costs and the issues that drive those costs to rise unnecessarily. These issues include, but are not limited to, cost shifts associated with federal and state reimbursements and medical malpractice insurance, and regional issues that may affect costs of providing health care. The Business and Industry Association of America supports this bill. The committee believes that only evaluation and analyzing what drives the cost of medical care can effect change in a positive direction. Vote 18-0.

**HB 644-FN**, relative to differential pay of direct care employees at state institutions. **INEXPEDIENT TO LEGISLATE.**

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: This bill was brought on behalf of persons who work at the New Hampshire Hospital, Laconia Developmental Services, Glencliff Home for the Elderly, New Hampshire Veterans' Home and the Youth Development Center. They have requested a weekly salary differential increase from \$5 to \$25. The employees are caring for persons who are at times difficult to cope with because of obstreperous behaviors. They believe the pay differential is warranted because of possible hazardous situations for themselves. While the committee was sympathetic, this is a policy committee and does not deal with specific financial requests. Vote 18-1.

**HB 723**, extending the moratoriums on nursing home beds and rehabilitation. **OUGHT TO PASS.**

Rep. Jennifer Daler for Health, Human Services and Elderly Affairs: This bill extends the moratorium on nursing home beds and rehabilitation until June 30, 2009 unless sooner authorized by the General Court. The testimony presented during the hearing indicated that there is no present need for more nursing home beds. The committee as well as the Department of Health and Human Services would like to provide more home and community based care for people who need these or similar services. The moratorium would also assist in keeping the cost of nursing home care down. Vote 18-0.

**HB 67**, relative to liens filed with public servants. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would prohibit Registers of Deeds from recording federal tax liens not showing evidence that they had been issued by a judge. Currently, such liens are filed by the Secretary of the Treasury or his or her designee, subject to the requirement of simultaneous notice to the taxpayer both of the filing and of his or her right to a prompt administrative appeal. The basis of this bill is a 2005 ruling of the United States Court of Appeals for the Second Circuit holding that certain IRS summonses have no legal standing until judicial enforcement proceedings have been initiated. The committee's research has satisfied it that the 2005 ruling was on a narrow legal issue, and does not apply to other IRS procedures, in particular to those pertaining to administrative distraint and levy. Moreover, a Second Circuit ruling is not authority in New Hampshire unless accepted by the First Circuit – of which New Hampshire is a part – or affirmed by the United States Supreme Court. Vote 17-0.

**HB 526-FN-A**, requiring district court judges to annually attend an educational program offered by the National Judicial College and establishing a surcharge on fines collected in the district court to pay for the costs of such attendance. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Rowe for Judiciary: District judges are highly trained and highly skilled, and continuing training is required by the Judicial Branch. The committee believes the judiciary is doing its job well on a continuing basis. Vote 11-0.

**CACR 10**, relating to sessions of the legislature. Providing that the legislature meet biennially and meet after June 30 in odd-numbered years only in special session called by the governor or by 2/3 vote of the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsy McKinney for Legislative Administration: This CACR would change the constitution back to the pre-1984 situation of meeting biennially. The sponsor hoped that this would reduce the number of bills that come up year after year, and encourage more people to run for office. The committee felt that this would not solve the problem, wouldn't cut down the work or encourage more people to be involved in the process and would be disadvantageous to freshmen. Vote 10-0.

**HB 218**, relative to chief firewards, engineers, or fire chiefs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie J. Boyce for Municipal and County Government: To ensure parity and due process when a fire chief has been suspended, the bill was amended to change the number of days to notify the clerk of the superior court from 10 days to 45 days. The bill was also amended to change the effective date from 60 days to upon passage. Vote 17-0.

#### **Amendment (0154h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Chief Fireward, Engineer, or Fire Chief. Amend RSA 154:5, II to read as follows:

II. Subject to such written formal policies as may be adopted by the appointing authority, each chief fireward, engineer, or fire chief of any city or town who is appointed rather than elected, shall have authority to direct and control all employees of his or her department in their normal course of duty and shall be responsible for the efficient and economical use of all department equipment. Such chief fireward, engineer, or fire chief shall be subject to suspension without pay or dismissal only for cause, and after he or she has been presented with a written specification of the reasons. Upon such suspension or dismissal, the chief fireward, engineer, or fire chief shall be entitled to a hearing, on the merits and reasonableness of the action, in superior court in the county in which the municipality is located, provided that the chief fireward, engineer, or fire chief petitions the clerk of the superior court for such a hearing within ~~[+0]~~ **45** days of suspension or dismissal. The court shall have the power to affirm, modify or negate such suspension or dismissal, based upon its findings.

2 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill increases the time a chief fireward, engineer, or fire chief has to petition the court for a hearing following suspension or dismissal.

**HB 226**, relative to the investment of trust funds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bennett F. Moore for Municipal and County Government: The bill, as amended, expands allowable investments to include closed ended in addition to open ended mutual funds and reorganizes the language in RSA 31:25 which sets forth the procedure that a collateral trust may be required from a fiduciary. The bill also clarifies the requirements for investment policies for trust funds in RSAs 31:25, 31:5 and 31:9 and stipulates that a copy of such policies be filed annually with the Attorney General's office. Vote 16-0.

#### **Amendment (0132h)**

Amend the bill by replacing section 1 with the following:

1 Investment Policy. Amend RSA 31:25 to read as follows:

31:25 Custody; Investment. The trustees shall have the custody of all trust funds held by their town. *Any person who directly or indirectly receives any such trust funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at*

*the time of such deposit or investment an option to have such funds secured by collateral having value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town depositing or investing such funds. Only securities defined by the bank commissioner, as provided by rules adopted pursuant to RSA 386:57, shall be eligible to be pledged as collateral.* The funds shall be invested only in deposits in any federally or state-chartered bank or association authorized to engage in a banking business in this state, or in deposits in any credit union in this state, or in bonds, notes or other obligations of the United States government, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state; and such stocks and bonds as are legal for investment by any bank or association chartered by this state to engage in a banking business; and in participation units in the public deposit investment pool established pursuant to RSA 383:22. Deposits in a federally or state-chartered bank or association or credit union shall be made in the name of the town which holds the same as a trust, and it shall appear upon the books thereof as a trust fund. ~~[Any person who directly or indirectly receives any such trust funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town depositing or investing such funds. Only securities defined by the bank commissioner, as provided by rules adopted pursuant to RSA 386:57, shall be eligible to be pledged as collateral.]~~ Shares of ~~[open ended]~~ mutual funds are also permitted if they are registered with the Securities and Exchange Commission, qualified for sale in the state of New Hampshire in accordance with the New Hampshire uniform securities act of the New Hampshire secretary of state's office, and which have in their prospectus a stated investment policy which is consistent with the investment policy adopted by the trustees of trust funds in accordance with ~~[RSA 35:9]~~ *this chapter*, and when so invested, the trustees shall not be liable for the loss thereof. The trustees may retain investments as received from donors, until the maturity thereof. The trustees shall formally adopt an investment policy for all investments made by them or by their agents for any trust funds in their custody *in conformance with the provisions of applicable statutes*. Such investment policy shall be reviewed and confirmed at least annually. *A copy of the investment policy shall be filed with the attorney general.*

**HB 274**, relative to income and asset limits and amount of the elderly property tax exemption. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for Municipal and County Government: The intent of the bill is two-fold. First, it seeks to increase income and asset limits for the elderly property tax exemption. The income limit would be raised \$13,400 to \$35,000 for a single person and from \$20,400 to \$50,000 for married persons. The asset limit would be raised from \$35,000 to \$150,000 excluding the value of the residence. Secondly, it establishes a minimum amount of the exemption in each age category. The minimum exemption presently in law is \$5,000 for all age groups. This bill would create a minimum exemption of \$50,000 for a person 65 years of age up to 75 years of age, \$90,000 for a person 75 years of age to 80 years of age, and \$100,000 for a person 80 years of age and older. If this legislation were to pass, it would raise the minimum income and asset limits in most municipalities which already have the ability to change these exemption levels. Vote 17-0.

**HB 398**, establishing a committee to study implementing a bedroom tax on residential dwellings. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F. Moore for Municipal and County Government: The committee did not believe that a study of a bedroom tax as a substitute for the statewide property tax would be worthwhile. Such a tax would create another administrative burden on an assessing department. More importantly, if enacted, a bedroom tax would shift a portion of property taxes from commercial and industrial property to residential property, thereby increasing housing costs across the entire state. Vote 17-0.

**HB 422**, authorizing the granting of abatements to persons whose children are enrolled in schools other than the local public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L. Osborne for Municipal and County Government: The committee believes that this bill is unconstitutional and violates Part I article 6 and Part II, article 83 of the New Hampshire Constitution. This bill would impose user fees for public education and possibly create a new type of tax abatement. The New Hampshire Constitution clearly forbids the funding of religious, private schools. Vote 17-0.



**HB 496**, relative to a property tax exemption for portable docks, piers, and wharves. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for Municipal and County Government: This bill requires that portable docks, piers, and wharves shall be exempt from taxation as real property. The committee heard testimony as to how this would add complexity and ambiguity to the assessment of real estate for tax purposes. The existence of a dock, pier, or wharf will affect the value of the real estate more or less depending on the portability of such structure, including its size, location, condition, and relative permanence. Since the portability of such structure may already be taken into consideration, the committee believes the proposed exemption will unnecessarily complicate the assessment of waterfront property. The committee expects there would be significant differences of opinion about whether something is "capable of being removed seasonally," depending on the ease with which it can be removed. In addition, if this bill were to pass it would immediately call into question the status of any such structure that is not permanently affixed to the ground. Vote 17-0.

**HB 852-FN-A-L**, changing the rate and distribution of the excavation tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: The original intent of the excavation tax in 1997 was to provide a solution regarding property appraisal for real estate purposes for sand and gravel operations. The tax was enacted after many years of study and agreement between the sand and gravel industry and the municipalities. The excavation tax is a mechanism designed to supplement and complement the property tax associated with the commercial activity. This legislation would change the amount paid from \$.02/cubic yard of earth excavated and distributed to the municipalities general fund to \$.50/cubic yard with fifty percent of the amount received distributed to the state for the general fund. The intent of this large increase and change in distribution targets a specific industry to fill the coffers of the general fund. The unintended consequences of this increase are the higher costs for our home construction industry, along with the increased cost for our municipalities and department of transportation in the construction of our roadways. The committee strongly believes the excavation tax should not be used outside of its original intent. Vote 13-0.

**HB 297**, relative to signs for the Souhegan Valley. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin K. Waterhouse for Public Works and Highways: While the committee sympathizes with the sponsors' desire to help a local Chamber of Commerce in its efforts to welcome travelers, we feel that the Department of Transportation right-of-way should have very limited access to signage. The committee will work with the Commissioner of Transportation to set policy regarding directional and welcome signs within the state right-of-way. This bill was unanimously seen as requiring an excessive number of signs to be placed within the right-of-way and would be a bad precedent for the legislature to set. Vote 14-0.

**HB 313**, establishing a committee to study reimbursing towns for emergency services on interstate highways. **INEXPEDIENT TO LEGISLATE.**

Rep. James B. Rausch for Public Works and Highways: The committee recognized the concerns of the sponsors in seeking reimbursement for emergency services. However, the committee acknowledged that a study committee would not be able to find an equitable solution because all communities have benefits and liabilities that can not be proportionally delineated for equitable state funded reimbursement. The reimbursements should continue to reside in receiving compensation from the responsible parties and their insurance companies. Vote 13-1.

**HB 317**, requiring improvements to state highways by developers to meet the same standards as federally or state funded improvements. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin T. Tilton for Public Works and Highways: The committee determined that sufficient controls currently exist within the permitting process, both at local planning boards and at the Department of Transportation, to require developers to meet appropriate standards, and that these controls are being used regularly and successfully. Vote 16-0.

**HB 418**, relative to RV friendly highway signs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B. Campbell for Public Works and Highways: This bill allows the NHDOT to affix "recreational vehicle friendly" markers or decals to the corner of business directional signs (such as fast food and other restaurants) to indicate that the business establishment can accommodate RV vehicles. The committee overwhelmingly believes this bill promotes tourism and makes New

Hampshire a more RV and motor home “friendly” state. The amendment clarifies that the cost of the “RV friendly” markers will be solely borne by the business establishment and better defines what constitutes a “hard surface” able to support Recreational vehicles. Vote 17-1.

#### **Amendment (0247h)**

Amend RSA 236:73-a as inserted by section 1 of the bill by replacing it with the following:  
236:73-a “RV Friendly” Markers.

I. Subject to the prior approval of the Federal Highway Administration, the department of transportation shall incorporate the use of “RV friendly” markers on specific business directional signs for business establishments that cater to the needs of persons driving recreational vehicles. A business establishment that qualifies for a business directional sign and that also qualifies as “RV friendly” may request that an “RV friendly” marker be displayed immediately adjacent to such establishment’s business logo sign on the appropriate background sign panel. The business applicant shall pay all costs of the “RV friendly” marker. For purposes of this section, the “RV friendly” marker to be displayed shall be such marker as may be approved by the Federal Highway Administration in the Manual on Uniform Traffic Control Devices.

II. In accordance with the provisions of RSA 21-L:12, and subject to the approval of the Federal Highway Administration, the department shall adopt rules, pursuant to RSA 541-A, necessary to implement the provisions of this section, including rules setting forth the minimum requirements for business establishments to qualify as “RV friendly.” Such requirements shall include, but shall not be limited to:

(a) Roadways shall be hard surface, such as gravel, compacted stone dust, pavement, or other firm surface, and at least 12 feet wide with a minimum swing radius of 50 feet for entering and exiting the facility.

(b) Roadway access and parking facilities shall be free of any obstructions up to 14 feet above the surface.

(c) Facilities requiring short-term parking shall have 2 or more spaces that are 12 feet wide and 65 feet long with a swing radius of 50 feet to enter and exit the spaces.

(d) Fueling facilities with canopies shall have a 14-foot clearance and facilities selling diesel fuel shall have pumps with non-commercial nozzles.

(e) Fueling facilities shall allow for pull-through with a swing radius of 50 feet.

(f) Campgrounds shall have 2 or more spaces that are 18 feet wide and 45 feet long.

#### **HB 466-L**, relative to removal of vehicles from state park and ride lots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James B. Rausch for Public Works and Highways: The amendment clarifies the original wording of the bill and allows for the removal of abandoned vehicles as described in RSA 262:30 from state owned park and ride lots. Vote 17-0.

#### **Amendment (0249h)**

Amend RSA 262:40-a, I-II as inserted by section 1 of the bill by replacing them with the following:

I. The owner or person in lawful possession of any private property *or the manager of a state-owned park and ride lot* on which a vehicle is parked without ~~his or her~~ permission or is apparently abandoned may:

(a) Cause the removal of the vehicle in a reasonable manner provided he or she gives notice of such removal to a peace officer as soon as reasonably possible; or

(b) Notify a peace officer that he or she wishes to have such a vehicle removed from the property, whereupon the peace officer or another authorized official shall cause the removal of such vehicle pursuant to the removal, impoundment, and notice procedures required by this subdivision.

**II. The department of transportation shall give authorized persons permission to remove vehicles which are abandoned, as described in RSA 262:32, at state-owned park and rides.**

#### **HB 796**, relative to civil liability for damaging highway protective barriers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alfred C. Lerandau for Public Works and Highways: This bill adds protective barriers (guardrails) and clarifies the language of RSA 236:39. At the request of the Attorney General’s office the amendment replaced the word “negligence” for “without authority.” The amendment also includes Municipal Highway Agents (towns) which was part of RSA 236:39 but omitted in this bill. Vote 13-0.

**Amendment (0304h)**

Amend the bill by replacing section 1 with the following:

1 Civil Liability Expanded. RSA 236:39 is repealed and reenacted to read as follows:

236:39 Civil Liability. Any person who, without authority, places any obstruction on a highway, or causes any defect in a highway or highway protective barrier which renders the highway hazardous or unpassable in any safe manner, or damages the barrier to the extent that the department of transportation or the municipal highway agent determines that it requires replacement or repair, shall be liable to the state for all damages to the highway or protective barrier when maintained by the state, and to the town for all damages to other highways or protective barriers, and for all damages and costs which the town shall be compelled to pay to any person injured by such obstruction or defect. Damages to highways or protective barriers shall include the cost of labor. Referred to the Committee on Judiciary.

**HB 845-FN-A**, making an appropriation to the town of Dorchester to rebuild the Province road bridge. **INEXPEDIENT TO LEGISLATE.**

Rep. Edmond D. Gionet for Public Works and Highways: Even though the committee sympathizes with the bill sponsors and having considered the facts, the referenced bridge is only used seasonally serving a recreation area on a Class V road. This bill requires a general fund appropriation of \$1,000,000. The bridge was destroyed in a flood. To do what this bill requires would not be fair to the other towns in the state. Vote 18-0.

**HB 144**, relative to operation of boats on Spectacle Pond. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela J. Hubbard for Resources, Recreation and Development: The bill was written at the request of the owner of properties around Spectacle Pond, in Groton and Hebron. It removes a sunset clause set in 1985 that would prevent newer landowners from getting a permit to operate 7.5 horse power petroleum powered motors on Spectacle Pond. This permit is issued only to property owners with no other access to the town landing. The permit issued will last for the duration of ownership of the property and the boat. The bill as amended removes the necessity for re-applying for this permit annually, and instates a limitation to trips only to and from the pond's landing. Vote 15-1.

**Amendment (0060h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Spectacle Pond. Amend RSA 270:96, I to read as follows:

I. No person shall use or operate any powerboat equipped with any petroleum-powered motor upon the waters of Spectacle Pond in the towns of Groton and Hebron; provided, however, that ~~[on July 1, 1986,]~~ the contiguous property owners of the pond who own and operate petroleum-powered motors not in excess of 7.5 horsepower on said pond may continue to do so *for the duration of their ownership of the property and the boat* upon application and demonstration of hardship to the department of safety as provided in paragraph II. *The use of these permitted petroleum-powered motor boats shall be limited to travel to and from the public landing and the owner's property.*

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill removes a date restriction on and clarifies the permissible use of petroleum-powered boats by contiguous property owners on Spectacle Pond.

**HB 216**, establishing a commission to study the causes, effects, and remediation of siltation in the Great Bay Estuary. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elisabeth N. Sanders for Resources, Recreation and Development: This bill would establish a 21 member commission to determine the many causes of the increasing deposit of sediments in the bottom of the Great Bay and its five tributary rivers. This sediment has had a negative impact on oyster beds, eelgrass cover and water depths. The formation of a diverse member commission would provide a broad scientific assessment of the siltation process and recommend possible long term management solutions to a complex situation. The amendment made minor changes in the commission membership. Sediment has also reduced the navigability of the bay and rivers, restricting recreational use. Vote 18-0.

**Amendment (0074h)**

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. The members of the commission shall be as follows:

- (a) Three members of the house of representatives, at least one of whom is a member of the resources, recreation and development committee, appointed by the speaker of the house of representatives.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) The director of the division of ports and harbors, Pease development authority, or designee.
- (d) Two professionals in marine studies from the university of New Hampshire, at least one from the Jackson estuarine laboratory, appointed by the president of the university of New Hampshire.
- (e) One representative of the Nature Conservancy, appointed by that organization.
- (f) One representative from the department of environmental services, appointed by the commissioner.
- (g) One representative of the Strafford regional planning commission, appointed by that commission.
- (h) One representative of the Rockingham regional planning commission, appointed by that commission.
- (i) Two representatives from conservation commissions in estuarine towns, appointed by the governor.
- (j) The manager of the Great Bay Estuarine Research Reserve, or designee.
- (k) The commissioner of the department of fish and game, or designee.
- (l) One representative from the New Hampshire estuaries project, appointed by the director.
- (m) Two representatives of water-related recreational interests, appointed by the governor.
- (n) Two representatives of water-dependent commercial interests, appointed by the governor.

Amend paragraph I of section 3 of the bill by replacing it with the following:

I. Seek the assistance of the Environmental Protection Agency, National Oceanic and Atmospheric Administration, United States Fish and Wildlife Service, National Marine Fisheries Service, the United States Army Corps of Engineers, and the United States Geological Survey, as appropriate.

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library in an interim report filed on or before November 30, 2008 and in a final report filed on or before November 30, 2009.

**HB 458**, relative to the exemption of replacement or redundant wells from the large groundwater withdrawal permitting process. **OUGHT TO PASS.**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill allows for the exemption of replacement or redundant wells from the large groundwater withdrawal permitting process. Applications submitted to DES for these wells must include hydrologic information to assure that the effects will be substantially the same as the well being replaced. The committee agreed that this would be adequate to allow for maintaining older wells without placing an undue burden on well owners. Vote 20-0.

**HB 464**, relative to Silver Lake in Belmont and Tilton. **INEXPEDIENT TO LEGISLATE.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill would have declared a certain height of water in Silver Lake in Belmont and Tilton as its "full lake level" and required that when the water rose two feet above that level, a no-wake zone would be instituted for the whole water body. The attorney general attested that this cannot be legislated, but must be established scientifically, which the Department of Environmental Services (DES) is in the process of doing. Further, the committee felt that establishing a no-wake area for certain sporadic time periods may be unworkable, but needs to be addressed with marine safety. Further research revealed that the problems of flooding of the lake can be addressed by property owner petition to DES via the Winnepesaukee River Watershed Advisory Committee. Vote 18-0.

**HB 468**, relative to establishing the freedom's way heritage area and commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T. Spang for Resources, Recreation and Development: The purpose of this bill is to recognize, protect, promote and interpret the significant historic, cultural and natural resources of nine towns proposed for a NH freedom's way heritage area. An advisory commission would be established that would solicit, accept and manage gifts, grants and federal funds, coordinate activities and prepare annual study reports. The heritage area would complement a similar area in nearby Massachusetts. The amendment added a member of the Resources, Recreation and Development Committee to the commission, added Merrimack to the area, and included historic dams and bridges to the resources eligible for funding. Vote 17-0.

**Amendment (0290h)**

Amend RSA 217-B:1 as inserted by section 1 of the bill by replacing it with the following:

217-B:1 Freedom's Way Heritage Area Established. There is hereby established the freedom's way heritage area, hereinafter referred to as the area, which shall include the cities and towns of Amherst, Brookline, Greenville, Hollis, Mason, Milford, Merrimack, Nashua, and New Ipswich. The purpose of such designation shall be to recognize the significant historic, cultural, and natural resources of the area and to preserve and interpret them for the education and inspiration of present and future generations. Nothing in this chapter shall be construed to limit the rights of private property owners or of the cities and towns in the area to develop the lands, buildings, and resources in the manner they determine appropriate. It is the purpose of this act to provide a management framework to assist the state and the area's municipalities in the development and implementation of integrated cultural, historical, land, and water resource management programs in cooperation with the federal government and the state in order to retain, enhance, and interpret the significant values of the natural and cultural resources in the area.

Amend RSA 217-B:2, III(d) and (e) as inserted by section 1 of the bill by replacing them with the following:

(d) The commissioner of the department of resources and economic development, or designee.

(e) The director of the division of historical resources, or designee.

(f) One member of the house of representatives standing committee responsible for issues pertaining to resources, recreation, and development.

Amend RSA 217-B:4, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Make loans and grants from funds donated or otherwise made available to the commission for the purpose of conserving and protecting sites, buildings, bridges, dams, landscapes, resources, and objects which are included or eligible for inclusion on the state or National Register of Historic Places or for the purposes of providing educational and cultural programs which encourage appreciation of the resources in the area.

Amend RSA 217-B:4 as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. Receive and review petitions from towns requesting inclusion in the freedom's way heritage area with the objective of finalizing the boundaries of the freedom's way heritage area within 2 years of the effective date of this section.

**AMENDED ANALYSIS**

This bill designates Amherst, Brookline, Greenville, Hollis, Mason, Milford, Merrimack, Nashua, and New Ipswich as the freedom's way heritage area and establishes the freedom's way heritage area commission to assist in preserving and promoting the area's natural and cultural resources.

**HB 531**, establishing a tourism radio sign program. **INEXPEDIENT TO LEGISLATE.**

Rep. Sid Lovett for Resources, Recreation and Development: This bill would have established a tourist radio station program within the Department of Resources and Economic Development (DRED), such as that used in the Mt. Washington Valley. The bill focused on the roadside signs which would have been able to exceed the state's maximum sign size by a significant amount. The committee did not wish to use legislation to regulate the design of signs or the content of radio station broadcasts. Vote 17-1.

**HB 837**, relative to easements and the land and community heritage investment program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill clarifies language in the statute establishing term easements for farms by specifying that such an easement shall be available only to farms participating in an established farm viability program with the department of agriculture, markets and food. It further provides that when such a program ends, the easement shall also expire. The amendment replaces the original bill. Vote 15-0.

**Amendment (0382h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to easements and the land and community heritage investment program and creating a farm viability program.

Amend the bill by replacing all after the enacting clause with the following:

1 Easement Interest; Farm Viability Programs. Amend RSA 227-M:2, IV to read as follows:

IV. "Easement interests" means conservation, historic preservation, or scenic easements, development rights, or any other similar protective interest in real property held in perpetuity, or a term easement held for a specific period of time and not in perpetuity *as part of a farm viability program overseen by the department of agriculture, markets, and food.*

2 Public Access; Agricultural Term Easements. Amend the introductory paragraph of RSA 227-M:15 and RSA 227-M:15, I to read as follows:

227-M:15 Public Access; Liability. Lands and interests in lands purchased with funds from this program by any eligible applicant shall be open in perpetuity for passive recreational purposes *[except as provided in paragraph I] or for the term of any farm viability term easements as provided for in RSA 227-M:2, IV.* Language to be used in easement interests secured through the program shall approximate the intent of the following:

I. There is hereby conveyed pedestrian access to, on, and across the property for hunting, fishing, and transitory passive recreational purposes, but not camping, by members of the public. A grantor may reserve the right to post against vehicles, motorized or otherwise and against access to active livestock fields, against access to agricultural cropland during planting and growing season, and against access to forest land during harvesting or establishment of plantations. ~~[Such term easements as described in RSA 227-M:2, IV will be granted where participation in such program fosters farm viability entered into by the authority of the department of agriculture, markets, and food.]~~

3 New Section; Farm Viability Program. Amend RSA 227-M by inserting after section 17 the following new section:

227-M:18 Farm Viability Program.

I. There is established in the department of agriculture, markets and food, a 2 year pilot farm viability program. Such program shall expand the New Hampshire agricultural innovation program by strengthening farm viability and ensuring the contribution of New Hampshire agriculture to the state's economic livelihood, public health, and general quality of life through capital investments in the form of grants from the community heritage investment program to be used towards agricultural infrastructure and equipment.

II. For each grant accepted by a land owner, a term easement shall be granted by the grant recipient to the state of New Hampshire through the community heritage investment program.

4 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill restricts term easements used in the land and community heritage investment program to those farm viability programs where a partnership exists with the department of agriculture, markets, and food.

This bill also creates a farm viability program in the department of agriculture, markets and food. Referred to the Committee on Environment and Agriculture.

**HB 899-FN-A**, assessing a fee on water withdrawn for sale or resale from water supply sources in the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank A. Tupper for Resources, Recreation and Development: This bill established a fee of \$.10 per gallon of water withdrawn in excess of 50,000 gallons per day for sale or resale. The bill

would have created many inequities for municipalities and private companies that supply water to local residents. The fee would also be too costly for in-state manufacturers of beer and soda and unidentified other users. SB 155, Chapter 305:1, Laws of 2003, the ground water study commission, will be studying this very complex concept in depth. Vote 14-1.

**HB 119**, relative to the sunset provision of the system benefits charge. **OUGHT TO PASS.**

Rep. James M. Garrity for Science, Technology and Energy: The system benefits charge is that portion of electric utility bills which is used to fund both energy efficiency and low-income electrical assistance programs. This bill eliminates the sunset provision of the low-income electrical assistance program; the sunset date was scheduled for June 30, 2008. The committee feels that the low-income electrical assistance program is a very effective program which helps many of our neediest fellow citizens with their electrical energy costs. The program is well run and is reviewed at least annually by the Public Utilities Commission and several legislative oversight committees. This beneficial program should be continued at current levels. Vote 10-0.

**HB 415-FN**, establishing a geothermal assessment project. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John H. Thomas for Science, Technology and Energy: The committee feels the issue of renewable energy is very important and any discovery or exploration of source is part of the overall issue. The state geologist brought forth a concern with the reporting date. The amendment takes care of that issue. Vote 14-0.

#### **Amendment (0257h)**

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. The state geologist shall make a preliminary report of the results of the geothermal assessment project to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before July 1, 2008. The state geologist shall make a final report of the results of the geothermal assessment project to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before July 1, 2009.

Referred to the Committee on Finance.

**HB 751-FN-A**, relative to biodiesel road toll revenue. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas R. Fargo for Science, Technology and Energy: This bill requires the road toll administrator to estimate the road toll paid on biodiesel used for off-road purposes and pay that amount into a biodiesel development fund. The committee unanimously agreed that insufficient data are available to accurately estimate the amount of biodiesel used off-road, although estimates suggested that the fund would receive less than \$10,000 annually. In addition, the bill lacked clarity on how the biodiesel development fund would be used. While the intent of the bill was to promote a greater use of biodiesel for environmental benefits, the committee recognized that existing incentive programs could be enhanced to serve that purpose. Vote 14-0.

**HB 832-FN**, relative to financial relief for members of the military reserve or national guard called to active duty. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: It was very clear that the purpose of this bill was to address serious financial problems that sometimes occur as the result of long term federal deployment. However, it was determined that the Service members Civil Relief Act of 2003 (SCRA) formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940 (SSCRA) and RSA 110-C: 2 (National Guard Rights and Protective Act) provide a very high level of protection for our men and women who go in harm's way. Additionally it was determined that some parts of HB 832-FN could cause serious and unintentional legal problems and wouldn't be in the best interest of our citizen soldiers. Vote 11-0.

**HB 110**, relative to commercial driver licenses when the license holder fails a drug or alcohol test. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael B. O'Brien for Transportation: The bill attempted to put into place additional requirements or penalties for commercial drivers who fail drug or alcohol tests. The goals of the sponsor and the interest of the sponsor in safety is compelling. Nevertheless, as ably demonstrated

by the NH Motor Transport Association, federal regulation in this area is comprehensive and the addition of further requirements at the state level would not measurably increase the public safety. Correspondingly, the bill is inexpedient to legislate. Vote 12-0.

**HB 176**, relative to the return of replaced parts by a motor vehicle repair facility. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer M. Brown for Transportation: The bill attempts to alter the process of alerting customers to the return of parts after auto repair. Current law adequately covers the return of parts to consumers and the proposed legislation would not demonstrably add to the limited interest in the motoring public in having parts returned. Correspondingly, the bill is inexpedient to legislate at this time, but the committee will keep a vigilant eye on future legislation relating to old parts consistent with ongoing efforts around the State to carefully manage waste. Vote 12-0.

**HB 182-FN**, relative to indicating the branch of service on special number plates for veterans. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F. Bergin for Transportation: The committee appreciated the intent of the sponsor to recognize branch of service on special number plates for veterans. However, the Department of Safety presently does not have the computer system to handle tracking the different branch of service decal. In addition it would add additional cost to implement such a system. It was suggested that the American Legion implement this program, but the committee was never presented a plan. In addition the committee felt that if we made an exception to the veteran plate we would then be inundated with other groups for special plates. Vote 17-0.

**HB 202**, relative to a point system for automobile dealer and inspection station violations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A. Packard for Transportation: This bill, as amended, sets a point system in place for licensed automobile dealers and licensed inspection stations. The New Hampshire Automobile Dealer's Association has requested this legislation so a fairer, unified system be put in place when an infraction occurs. Now, whether it is a small or large infraction a dealer license or inspection station license can be revoked because of the lack of any uniformity or predictability. The point system clearly outlines prohibited conduct and penalties and removes the chance of unfair results. This bill would also protect a dealer from being severely punished because of the unknown actions of a bad employee. Vote 17-0.

**Amendment (0192h)**

Amend the bill by replacing section 1 with the following:

1 New Section; Administration of Motor Vehicle Laws; Point System for Automobile Dealer and Inspection Station Violations. Amend RSA 260 by inserting after section 6-a the following new section:

**260:6-b Point System for Automobile Dealer and Inspection Station Violations.**

I. The director of motor vehicles may adopt rules pursuant to RSA 260:5 to establish 2 different uniform point systems for separately identifying automobile dealers and inspection stations which have violated the provisions of this title or rules adopted under this title. The rules shall include a designated level of point accumulation which so identifies automobile dealers and inspection stations.

II. The director may assess points for violations of this title or rules adopted pursuant to this title which have been found by a court of law or a hearing officer to have been violated. Notice of the assessment of points shall be given in accordance with the rules adopted by the director.

III. In the case of a conviction or finding against a dealer or inspection station of 2 or more violations committed on a single occasion, such dealer or inspection station shall be assessed points for one offense only, under each separate point system if the same entity holds both a dealer's registration, license, or privileges, and inspection station privileges. If the offenses have different point values, the dealer or inspection station shall be assessed for the offense having the greater point value.

IV. The director may suspend or revoke the dealer's registration, license or privileges, or in the case of an inspection station the inspection station privileges, in accordance with the rules adopted under this section. The rules shall provide a mechanism for reduction of points for a dealer or inspection station that has completed a training course approved by the director.



V. The director may distinguish between larger and smaller dealers and inspection stations in establishing the point system. For the purposes of the point system established under this section, an inspection station may not be liable for violations committed by an individual mechanic if the mechanic deliberately commits an action that is contrary to the law, the rules of the department, or the policies and procedures of the station.

VI. Both point systems authorized under this section shall only count points for violations committed within the 3 most recent calendar years and shall only count violations that are committed on or after the effective date of the rules adopted under this section.

**HB 209**, relative to eligibility for farm plates. **OUGHT TO PASS.**

Rep. Brenda L. Ferland for Transportation: This bill will require the use of a specific form. The form will establish the eligibility for farm plates when registering vehicles with the town clerks. There is a difference between agricultural plates that cost less, the miles to be traveled are restricted and vehicles have some inspection requirements compared to farm plates that cost more and have restrictions of 16,000 pounds and 74 cents a pound thereafter. The Department of Safety and Commissioner of Agriculture support this bill. This bill was a recommendation of the recent farm study. Vote 17-0.

**HB 714-FN**, relative to motorized watercraft rental agencies. **OUGHT TO PASS.**

Rep. Jim Ryan for Transportation: Interest in safety along the state waterways has intensified in recent years as the popularity of recreational boating along our lakes has increased. This bill increases the state's interest in safety on our lakes and waterways by requiring those who rent boats to provide the rental agent with clear certification that the renter understands safety regulations and is conversant with the state's interest in boating safety. NH boat owners and recreational users are obliged by a variety of regulations and laws to promote and insure boating safety. Current law only requires an all-too-brief declaration by a renter that he or she is familiar with our law. The committee believes that renters should come under the same regulatory oversight as local residents. Vote 12-0. Referred to the Committee on Ways and Means.

**HB 347**, establishing a committee to study establishing classes of property to be taxed at different rates under the statewide enhanced education tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Peyton B. Hinkle for Ways and Means: If established, this committee was to consider classes of property including "primary residential," "second homes," "business and commercial," and "resident and non-resident." The committee was concerned that this could lead to business and commercial properties being taxed at a higher rate, which would be regressive to economic development. On the other hand, if residential property was taxed at a higher rate, an undue tax burden would be placed on the individual home owner. There was also a concern over establishing tax rates for mixed use properties which could lead to ambiguities in taxation. Vote 16-0.

**HB 351**, clarifying that the definition of "overseas business organization" includes all foreign incorporated business organizations and all 80/20 business organizations, and redefining "business activity" for purposes of the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Norman L. Major for Ways and Means: This bill was requested by the Department of Revenue Administration and Section 1 of this bill is a technical correction, which is very important to Business Profits Tax statutory clarity. Laws must evolve to fit today's economic systems. The Business Profits Tax was formulated in 1970; 2007 is not the same economic world. This change follows a national trend to clearly define who should file and what their tax is based on. A number of other states have adopted these economic nexus statutes. You do not have to have a physical presence here to have economic nexus. If business organizations are availing themselves of the benefits of the NH economic markets, including such factors as our well educated workforce, our court system, and our banking and consumer and protection laws, then they have economic nexus. This correction places language in the statute to tell out-of-state headquartered businesses they must file if they do business in NH. This does not change how we tax or what we tax. However, those that perceive there is a tax planning opportunity if you don't use the common language may attempt to avoid NH tax. Sections 2 and 3 are true housekeeping sections. They make it clear as to who can be a member of a "water's edge combined group." The "water's edge" we talk about is the Atlantic and Pacific oceans – the bounds of the US. The changes in the four definitions used for 1) "Water's edge Combined Group," 2) "Foreign dividends," 3) "Foreign property, payroll and

sales,” and 4) “Overseas business organizations,” will bring the language the state uses in agreement with the language used by the Internal Revenue Code. The amendment corrects statute references in section 1 and 2 of the bill to read “RSA 77-A:1.” Vote 17-0.

#### Amendment (0191h)

Amend the bill by replacing sections 1-2 with the following:

1 Definitions; Business Activity. Amend RSA 77-A:1, XII to read as follows:

XII. “Business activity” means *a substantial economic presence evidenced by a purposeful direction of business toward the state examined in light of the frequency, quantity, and systematic nature of a business organization’s economic contacts with the state.* “Business activity” includes, but is not limited to, a group of actions performed by a business organization for the purpose of earning income or profit from such actions and includes every operation which forms a part of, or a step in, the process of earning income or profit from such group of actions. The actions ordinarily include, but are not limited to, *the employment of business assets*, the receipt of money, property, or other items of value and the incurring or payment of expenses. Notwithstanding any other provision of this paragraph, a holder of an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI, shall not be deemed to be carrying on any business activity within this state due solely to its holding an ownership interest in such qualified investment company.

2 Definitions; Water’s Edge Combined Group. Amend RSA 77-A:1, XV to read as follows:

XV. “Water’s edge combined group” means a group of business organizations as defined in RSA 77-A:1, I operating a unitary business, except for overseas business organizations, as defined in paragraph XIX; provided, however, ~~overseas~~ 80/20 business organizations shall only be excluded from the definition of “water’s edge combined group” if the following criteria are met:

**HB 354**, establishing a committee to study the feasibility of establishing ecological consumption taxes as a source of revenue for the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael G. Marsh for Ways and Means: This legislation would have established a joint study committee to determine whether or not to establish one or more taxes on the sources of pollution in the state, including carbon dioxide. Without passing judgment on the merits of the bill, the committee noted that there is a similar bill, HB 165, establishing a committee to study carbon reduction incentives, already before the Science, Technology, and Energy Committee. There is no need to establish two study committees, and the specifics of this bill will be considered as part of HB 165. Vote 16-0.

**HB 372-FN-A**, exempting motor vehicles equipped and used for transporting disabled persons from the tax on rental of motor vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ron J. Mack for Ways and Means: The purpose of the bill is to relieve disabled persons and their families of the car rental tax burden. After hearing testimony from various parties including companies specializing in the rental of handicap equipped vehicles, the committee believes that the existing rental tax imposes an undue financial hardship on the majority of users and their families. The Department of Revenue Administration indicates this bill will decrease state education trust fund revenue by an insignificant amount in FY 2008 and each year thereafter. The department states it can absorb the cost of administering this bill within its existing budget. Vote 16-0.

#### Amendment (0252h)

Amend the bill by replacing section 1 with the following:

1 Tax on Rental of Motor Vehicles; Application for Exemption. Amend RSA 78-A:8-a to read as follows:

78-A:8-a Application for Exemption.

*I. Application for an exemption from payment of the tax imposed by this chapter based upon the definition of “rent” under RSA 78-A:3, VIII shall be made in writing to the commissioner.*

*II. Application for an exemption from payment of the tax imposed by this chapter based upon the definition of “motor vehicle” under RSA 78-A:3, XIV shall be made in writing to the commissioner. The application shall be made for each motor vehicle for which an exemption is sought. A motor vehicle eligible for exemption shall be one that possesses modifications suitable for the transport of passengers with physical disabilities that require a wheelchair or other special adaptations. An application for exemption shall be approved upon submission of such evidence as required by and acceptable to the commissioner pursuant to rules adopted under RSA 541-A.*

### AMENDED ANALYSIS

This bill allows for exempting motor vehicles possessing modifications suitable for transporting persons with physical disabilities from the tax on rental of motor vehicles.

**HB 452-FN**, dedicating a percentage of liquor, wine, and beer revenues to the education trust fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael D. Brunelle for Ways and Means: This bill would have taken 3% of liquor, beer, and wine revenues from the general fund and dedicated them to the education trust fund. Although the committee appreciates the sponsor's desire to address our state's education funding predicament, we believe the redistribution of revenue would not only fail to adequately address the issue, but also result in cuts in programs that rely on the dollars removed from the general fund. In addition, the committee felt that the passage of this legislation could lead to the habitual dedication of future general funds, and ultimately set a precedent that jeopardizes the long-term stability of other state services. Vote 16-0.

**HB 843-FN**, requiring excess revenue stabilization reserve account funds to be used to make payments to all homeowners of primary residences in this state. **INEXPEDIENT TO LEGISLATE.**

Rep. Norman L. Major for Ways and Means: This bill required excess revenue stabilization reserve account funds to be deposited in a new "Homeownership Incentive Account" to be used to make equal payments to all homeowners of primary residences in this state to provide an incentive for continued homeownership in the future. The sponsors did not know how much it would cost to implement or how to accomplish the payments to all homeowners. Part of the cost is to identify and update the list of eligible homeowners in the state and their address. The cost for sending payments out to homeowners could exceed the costs of the excess reserves since only a few dollars could trigger this mechanism. The committee felt if there were excess revenues it would be better to reduce tax rates, thereby benefiting all tax payers. Vote 16-0.

### REGULAR CALENDAR

**HB 77**, prohibiting cancellation of property and liability insurance on the basis of certain political activities. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. Martin for Commerce: This bill applies to excess coverage or umbrella coverage which is generally sold with limits of one million to five million dollars. The testimony from the insurance department and others was that excess coverage is widely available. Some excess carriers, based upon their own business judgments, exclude coverage for sports figures, radio and TV broadcasters, entertainers, politicians, editors and other high profile people. Some excess carriers exclude some of these risks, others cover them. Coverage is available at reasonable rates. This bill would harm small insurance companies in the state who do not have the resources to underwrite one to five million dollar risks. They have to reinsure those risks with reinsurers, all of whom are domiciled out of state. Those reinsurance companies make their own underwriting decisions. The bottom line is that the insurance is generally available. Vote 12-4.

Committee report adopted.

**HB 102**, relative to requirements for restaurants operating cocktail lounges. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for Commerce: The original bill was an attempt to address the problems the city of Manchester has had with several "restaurant" establishments. Under current law, every restaurant with sales less than \$75,000 must have food sales equal to liquor sales. The problem seems to be that non-alcohol drinks are considered food. The amendment defines food as a "solid nutritive material as distinguished from drink." The majority of the committee felt this was a necessary clarification of the current law. Vote 12-5.

### Amendment (0336h)

Amend the title of the bill by replacing it with the following:

AN ACT defining "food" for purposes of the alcoholic beverages laws.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Alcoholic Beverages; Definitions; Food. Amend RSA 175:1 by inserting after paragraph XXXI-a the following new paragraph:

XXXI-aa. "Food" means solid nutritive material as distinguished from drink.

2 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill defines “food” for purposes of the alcoholic beverages laws.  
 Amendment adopted.  
 Committee report adopted and ordered to third reading.

**HB 599-FN**, requiring restaurant operators to produce a meals and rentals licenses in order to obtain a liquor license and establishing an annual renewal fee for meals and rentals licenses and a penalty for failure to renew such license. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. Martin for Commerce: This bill was introduced at the request of the Department of Revenue Administration (DRA) to enable DRA to keep track of restaurant and restaurant licensees, many of whom change hands without notifying DRA thus making the collection of the meals and rentals tax difficult. In years past, restaurants and rental licenses expired every two years but the statute was amended to make the licenses of indefinite term. As a result of that experiment, DRA has found it difficult to track the current owner of some facilities in order to collect the tax. This bill solves that problem at minimum cost and inconvenience to the owners. Vote 16-2.

## Amendment (0281h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to fees for meals and rentals licenses.

Amend the bill by replacing all after the enacting clause with the following:

1 Meals and Rentals Licenses; Fees. Amend RSA 78-A:4 to read as follows:

78-A:4 *Meals and Rentals* Licenses Required; Penalty.

I. Each operator shall register with the department the name and address of each place of business within the state where it operates a hotel, sells taxable meals, or rents motor vehicles. The operator shall complete a registration, upon receipt of which the department shall issue a *meals and rentals* license for each place in such form as it determines, attesting that the registration has been made. ~~[The license remains valid until]~~ *Licenses shall expire on June 30 in each odd-numbered year, unless* the business ceases operation, a change in ownership occurs, or the license is revoked or suspended by the department *prior to expiration of the license*. The license shall be conspicuously posted in a public area upon the premises to which it relates.

*II. The fee for an original license or timely license renewal shall be \$5. The fee shall be waived for an original license, if the license is issued less than 6 months prior to a required renewal date.*

~~[H:]~~ *III.* No person shall engage in serving taxable meals, renting rooms, or renting motor vehicles without first obtaining the license required by this section. The license is nonassignable and cannot be transferred. Any person who fails to register or obtain a license as provided in this section shall be subject to the penalty provisions of RSA 21-J:39.

2 Effective Date. This act shall take effect July 1, 2007.

## AMENDED ANALYSIS

This bill establishes an original license fee and a renewal fee for meals and rentals licenses.

This bill was requested by the department of revenue administration.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Ways and Means.

**HB 874-FN-A**, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover certain adults. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Commerce: Although this bill calls for an appropriation, there was no dollar amount in the bill. The committee is working on another bill that will have a similar task to broaden affordable insurance options in New Hampshire. Vote 17-1.

Committee report adopted.

**HB 661-FN-A**, establishing an executive planning commission on special education. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Nancy F. Stiles for the Majority of Education: This bill is the first of six and the only early bill coming forth this session from a committee charged to review New Hampshire’s special edu-

cation statutes. HB 661-FN-A repeals RSA 189-C:21 and 189-C:22 and replaces them with a planning commission to be established for one year to identify the personnel shortages that affect the capacity of schools to provide educational services to children with highly challenging needs or low-incidence (uncommon) disabilities. There is nothing in the current RSA 186-C:21 that isn't covered in federal law so there will be no negative effect on students or the local districts. The commission is to address opportunities and resources to support the local school districts in developing scientifically based student specific supports to assist the schools in eliminating out of district private or public placements, all of which have high human and financial costs. The commission will also address the pre-service and in-service educational opportunities for professionals, paraprofessionals and administrative personnel in our college and university system and identify how they might identify the emerging special education needs and provide support to the local districts in evaluating or plan design. The strategic plan is to be reported to the General Court and the Governor by October 1, 2008. The study committee that worked over the past ten months with five subcommittees and came to consensus on the final draft of this bill included representation from six legislators, three having a background in special education, the Department of Education, the Special Education Directors Association as well as active directors, consultants, parents, homeschools, charter schools, Disabilities Rights Center, school board members, legal representation of students and parents of students with disabilities, Parent Information Center, members of the State Advisory Committee (SAC) and presentations from the Dept. of Health and Human Services, the Dept. of Corrections and South Eastern Regional Education Service Center (SERESC). Vote 11-4.

Rep. Paul Ingbreton for the Minority of Education: Though presented as a bill to create a commission, this bill actually of itself changes five points of New Hampshire law related to developmentally disabled children. The removed statutes are actually part of federal requirements, yet reasons for their removal were not forthcoming.

Majority committee report adopted.

Referred to the Committee on Finance.

**HB 669-FN-A-L**, relative to kindergarten aid and kindergarten construction aid. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith E. Day for the Majority of Education: This bill extends policy of 1997 to provide school districts \$1200 per pupil in aid for new kindergarten students until said students are counted in the average daily membership for kindergarten. It also extends aid for construction of kindergartens. This aid provides an incentive for districts to establish public kindergarten programs where none currently exist. The chance to participate in kindergarten provides an added opportunity for an equitable education for all New Hampshire students. This bill could cost the state \$14 million only if 66 classrooms were built in all of the districts currently without kindergarten and 15 children were in each of these classrooms. Vote 11-3.

Rep. Paul Ingbreton for the Minority of Education: Department of Education numbers indicate this bill would cost, even as amended, an additional \$14 million. It would increase pressures on districts that have repeatedly opposed such programs and construction. The money does not follow the child.

#### **Majority Amendment (0383h)**

Amend RSA 198:48-a, XII(b) as inserted by section 1 of the bill by replacing it with the following:

(b) After pupils enrolled in an approved kindergarten program have been counted in the average daily membership in residence, school districts shall only receive, for each such pupil, an education grant calculated in accordance with RSA 198:41 through RSA 198:42.

Majority committee amendment adopted.

Majority committee report adopted.

Referred to the Committee on Finance.

**HB 693-FN-A-L**, establishing a school choice certificate program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kimberley S. Casey for the Majority of Education: This legislation, which establishes a school choice certificate (voucher) program, is identical to HB 1707 of 2006 which was voted down by a sizable margin. Nothing new has been added to this bill to address the concerns that led to its defeat last year. Those same concerns were not addressed to the satisfaction of the majority of the committee during its most recent hearing. The bill as it stands continues to violate the New Hampshire Constitution (Part 1, Article 6, and Part 2, Article 83), which specifically and unequivocally

forbids public monies to be used for sectarian schools. The U.S. Supreme Court finding regarding the Cleveland School District does not in this case apply, as it was a very narrow finding and does not trump New Hampshire Constitutional law. Additionally, as education policy, the majority of the committee felt that school choice programs should be implemented through school districts, and existing laws already provide for that. As written, the law would drain scarce revenues away from public education. When districts already face federal cuts, NCLB unfunded mandates, escalating special education costs and tighter state resources, draining another 17.9 million dollars in state aid to public education, as this bill provides, was considered ill advised. This bill will not help children by draining money from the public system, and draining this money could feasibly force local districts to make up this money leading to higher local school taxes. The bill as written disallows eligible families who already have their children in private school, at their own expense, to participate in the program. This bill, as written, allows private schools to accept only those students it chooses, and the sponsor was unable to address the areas of concern that private schools may, in fact, not accept children with special needs. Worse, if a special needs child is accepted, it is up to the local PUBLIC school to provide those services. Vote 8-4.

Rep. Pamela G. Price for the Minority of Education: The minority believes that we must offer choice in education for our students who don't succeed in the public schools. This bill proposes to provide a certificate to the parents for the child's tuition at an approved non-public school. The certificates are distributed by lottery to students whose family income does not exceed 200 percent of the federal poverty level. This may be raised to 300 percent if there are unused certificates. The value of the certificate is less than the state aid. The bill addresses the constitutional issues by making the voucher payable to the parents. This is essentially the same bill which passed the Education Committee last term. The minority believes that this is about helping our children achieve an education. There are some children, for whatever reason, who don't succeed in the public school system. We must provide alternatives for these students. This bill provides some options for low income students which they might not have otherwise. For these reasons, the minority supports ought to pass.

Rep. Lund spoke against.

Rep. Bedrick spoke against and yielded to questions.

Rep. Casey spoke in favor and yielded to questions.

Rep. Lund requested a roll call; sufficiently seconded.

## YEAS 238 NAYS 109

### YEAS 238 BELKNAP

Arsenault, Beth  
Pilliod, James

Millham, Alida  
Reever, Judith

Morrison, Gail  
Tobin, William

Nedeau, Stephen  
Wood, Jane

### CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

### CHESHIRE

Allen, Peter  
Butynski, William  
Espieles, Peter  
Plifka, Stanley Jr  
Sad, Tara

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Robertson, Timothy

### COOS

Hatch, William  
Merrick, Scott  
Thomas, Yvonne

Ingersoll, Paul Sr  
Remick, William

Mears, Edgar  
Stohl, Eric

Merrick, Evalyn  
Theberge, Robert

### GRAFTON

Aguiar, James  
Cooney, Mary  
Hammond, Lee  
Mulholland, Catherine  
Williams, Burton

Almy, Susan  
Estes, Carole  
Harding, A Laurie  
Pierce, David

Benn, Bernard  
Friedrich, Carol  
Lovett, Sid  
Preston, Philip

Bulis, Lyle  
Gionet, Edmond  
Matheson, Robert  
Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
 Brunelle, Michael  
 Cote, David  
 Essex, David  
 Gargas, Carolyn  
 Gorman, Mary  
 Hall, Betty  
 Holden, Randolph  
 Kaelin, Michael  
 Kopka, Angeline  
 Levesque, Melanie  
 Mesa, Lily  
 O'Connell, Timothy  
 Rosenwald, Cindy  
 Simon, Anthony  
 Sullivan, Daniel  
 Vaillancourt, Steve

Beaulieu, Jane  
 Campbell, David  
 Daler, Jennifer  
 Farley, Michael  
 Garrity, Patrick  
 Graham, John  
 Hammond, Jill  
 Irwin, Anne-Marie  
 Kelley, John  
 Lasky, Bette  
 Long, Patrick  
 Messier, Irene  
 O'Neil, James  
 Schulze, Joan  
 Smith, David  
 Sullivan, Francis  
 Velez, Hector

Beck, Catriona  
 Chase, Claudia  
 Dokmo, Cynthia  
 Fontas, Jeffrey  
 Ginsburg, Ruth  
 Hackel, Paul  
 Harvey, Suzanne  
 Jean, Claudette  
 Knowles, John  
 Leishman, Peter  
 Mack, Ron  
 Movsesian, Lori  
 Peterson, Andy  
 Shattuck, Gilman  
 Smith, Sandra  
 Sysyn, Mary

Bergin, Peter  
 Clemons, Jane  
 Edwards, Andrew  
 Foster, Linda  
 Goley, Jeffrey  
 Haley, Robert  
 Hebert, Roger  
 Jeudy, Jean  
 Knowles, Mary Ann  
 Levasseur, Nickolas  
 Matarazzo, Anthony Sr  
 O'Brien, Michael Sr  
 Reuschel, Michael  
 Shaw, Barbara  
 Spratt, Stephen  
 Tahir, Saghir

**MERRIMACK**

Baxley, Maureen  
 Brueggemann, Donald  
 DeStefano, Stephen  
 Gile, Mary  
 Kjellman, Eleanor Glynn  
 Owen, Derek  
 Richardson, Gary  
 Tupper, Frank  
 Wheeler, Deborah

Blanchard, Elizabeth  
 Clarke, Claire  
 Ehlers, Eileen  
 Hager, Elizabeth  
 Lockwood, Priscilla  
 Porter, Margaret  
 Ryan, Jim  
 Wallner, Mary  
 Williams, Robert

Bouchard, Candace  
 Davis, Frank  
 Foose, Robert  
 Hamm, Christine  
 McMahon, Patricia  
 Potter, Frances  
 Shurtleff, Stephen  
 Walz, Mary  
 Yeaton, Charles

Brown, Carole  
 DeJoie, John  
 French, Barbara  
 Kidder, David  
 Osborne, Jessie  
 Reardon, Tara  
 Tilton, Joy  
 Webb, Leigh

**ROCKINGHAM**

Abbott, Dennis  
 Cali-Pitts, Jacqueline  
 DiFruscia, Anthony  
 Grote, Otto  
 Katsakiores, George  
 Marsh, Michael  
 McKenna, Daniel  
 Pantelakos, Laura  
 Russell, Trink  
 Waterhouse, Kevin

Allen, Mary  
 Casey, Kimberley  
 Flanders, John Sr  
 Henson, John  
 Kennedy, James  
 McCarthy, Linda  
 Moody, Marcia  
 Powers, James  
 Serlin, Christopher  
 Wells, Roger

Borden, David  
 Day, Judith  
 Flockhart, Eileen  
 Howard, Doreen  
 Kepner, Susan  
 McEachern, Paul  
 Moore, Bennett  
 Preston, Mark  
 Snow, Richard  
 Winchell, George

Brown, C. Pennington  
 Devine, James  
 Gould, Kenneth  
 Johnson, Robert  
 Lister, Charlotte  
 McGuirk, Thomas  
 Nord, Susi  
 Robertson, Carl  
 Splaine, James

**STRAFFORD**

Berube, Roger  
 Brown, Julie  
 Cyr, James  
 Grassie, Anne  
 Mickelson, Shawn  
 Rollo, Michael  
 Spang, Judith  
 Wall, Janet

Billian, Deborah  
 Brown, Larry  
 DeChane, Marlene  
 Hutz, Sarah  
 Miller, Joseph  
 Rous, Emma  
 Sprague, Dale  
 Watson, Robert

Brennan, William  
 Browne, Brendon  
 Domingo, Baldwin  
 Kaen, Naida  
 Perry, Robert  
 Schmidt, Peter  
 Srnc, Robert

Brown, Jennifer  
 Burke, Rachel  
 Fargo, Thomas  
 Knowles, William  
 Rollo, Deanna  
 Smith, Marjorie  
 Vachon, Dennis

**SULLIVAN**

Cloutier, John  
 Gagnon, Raymond  
 Nielsen, Ellen

Converse, Larry  
 Gottling, Suzanne  
 Phinizz, James

Ferland, Brenda  
 Houde, Matthew

Franklin, Peter  
 Jillette, Arthur Jr

**NAYS 109****BELKNAP**

Allen, Janet  
Tilton, Franklin

Boyce, Laurie  
Wendelboe, Fran

Russell, David  
Whalley, Michael

Thomas, John

**CARROLL**

Ahlgren, Christopher  
Martin, James

Brown, Carolyn  
Morrow, Harry

Chandler, Gene  
Patten, Betsey

Denley, William  
Stevens, Stanley

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

**COOS**

King, Frederick

Tholl, John Jr

**GRAFTON**

Dingman, Vernon III

Eaton, Stephanie

Ingbreton, Paul

Sorg, Gregory

**HILLSBOROUGH**

Barry, Richard  
Christiansen, Lars  
Daniels, Gary  
Francoeur, Bea  
Hunter, Bruce  
Lessard, Rudy  
Moran, Edward  
Renzullo, Andrew  
Stepanek, Stephen

Batula, Peter  
Clark, Mark  
Day, Russell  
Haefner, Robert  
Kurk, Neal  
Manney, Pamela  
Ober, Lynne  
Rowe, Robert  
Ulery, Jordan

Bergeron, Jean-Guy  
Coughlin, Pamela  
Elliott, Nancy  
Hinkle, Peyton  
L'Heureux, Robert  
Martineau, Jesse  
Ober, Russell III  
Soucy, Connie  
Villeneuve, Maurice

Christensen, Chris  
Crane, Elenore Casey  
Emerton, Larry  
Hogan, Edith  
Lawrence, James  
Mooney, Maureen  
Price, Pamela  
Spaulding, Jayne  
Winters, Joel

**MERRIMACK**

Anderson, Eric  
Reed, Dennis

Hess, David

Humphries, Charlie

MacKay, James

**ROCKINGHAM**

Baldasaro, Alfred  
Carson, Sharon  
Dumaine, Dudley  
Forsing, Robert  
Guthrie, Joseph  
Introne, Robert  
Lund, Howie  
Nowe, Ronald  
Quandt, Matthew  
Stiles, Nancy

Bedrick, Jason  
Case, Frank  
Elliott, Robert  
Garcia, Marilinda  
Headd, James  
Itse, Daniel  
Major, Norman  
Packard, Sherman  
Rausch, James  
Weare, Everett

Bettencourt, David  
Charron, Gene  
Emiro, Frank  
Garritty, James  
Hopfgarten, Paul  
Kappler, Lawrence  
McKinney, Betsy  
Pearson, Mark  
Reagan, John  
Welch, David

Camm, Kevin  
Dalrymple, David  
Fesh, Bob  
Griffin, Mary  
Ingram, Russell  
Katsakiores, Phyllis  
McMahon, Charles  
Quandt, Marshall  
Sanders, Elisabeth  
Weyler, Kenneth

**STRAFFORD**

Goodwin, Earle

**SULLIVAN**

Donovan, Thomas

Rodeschin, Beverly

Skinder, Carla

and the majority committee report was adopted.

**HB 861-FN**, allowing certain members of the United States armed forces and their dependents to attend public postsecondary institutions at the in-state resident tuition rate. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sharon M. Carson for Education: This bill recognizes the service of our active duty members of our armed forces and their dependents. It allows those active duty members and their dependents stationed in New Hampshire or living in New Hampshire with duty stations in contiguous states to attend New Hampshire post secondary institutions at the in-state tuition rate. Vote 7-4.



**Amendment (0307h)**

Amend the title of the bill by replacing it with the following:

AN ACT allowing certain active duty members of the United States armed forces and their dependents to attend public postsecondary institutions at the in-state resident tuition rate.

Amend RSA 110-B:81 as inserted by section 1 of the bill by replacing it with the following:

110-B:81 Active Duty Members of the Armed Forces; In-State Resident Tuition Rate. Active duty members and dependents of active duty members of the United States armed forces who are stationed in New Hampshire or living in New Hampshire with duty stations in contiguous states, who are otherwise eligible to attend public postsecondary institutions, may take courses at such institutions at the in-state resident tuition rate.

**AMENDED ANALYSIS**

This bill allows active duty members and dependents of active duty members of the United States armed forces who are stationed in New Hampshire or living in New Hampshire with duty stations in contiguous states to attend public postsecondary institutions at the in-state resident tuition rate. Amendment adopted.

Committee report adopted.

Rep. Coughlin declared a conflict of interest on **HB 861-FN** and did not participate.

Referred to the Committee on Finance.

**HB 870-FN-A-L**, relative to the calculation and disbursement of adequate education grants. **IN-EXPEDIENT TO LEGISLATE.**

Rep. Paul Ingbreton for Education: At the public hearing, both sponsors testified that the bill as it was before the committee was intended to be only the starting point for a major and comprehensive revision. It represented a current version of what had first been enacted in 1999 and remained in law with only minor changes for more than four years. As the two sponsors strongly believe that all four issues concerning an adequate education should be addressed simultaneously and comprehensively this year, they expressly asked the committee not to retain this bill. Vote 11-2. Committee report adopted.

**HB 112**, relative to the method of depositing a ballot. **INEXPEDIENT TO LEGISLATE.**

Rep. Janet F. Allen for Election Law: This bill deals only with towns that hand count their ballots and would require the voters to deposit their ballots into the ballot box without any assistance from the moderator. The secretary of state's office testified in opposition to this bill. They believe that it would be too easy to duplicate the ballot. If we are going to question the integrity of ballot counting machines and the possibility of election fraud, then we should look at all aspects of election fraud including voter fraud. The purpose of the moderator touching the ballot is to insure that there is only one ballot. The majority of our committee did not believe that there is a problem with the process that is now in effect. Vote 8-7.

Committee report adopted.

**HB 136**, relative to approval of voting machines. **INEXPEDIENT TO LEGISLATE.**

Rep. David M. Pierce for Election Law: The majority of the committee voted against this bill as a matter of process, not necessarily as a substantive objection to the bill's subject matter. Other legislation dealing with issue related to this bill are forthcoming and the committee will retain some of those bills for further study. It is contemplated that portions of this bill will be consolidated with those retained bills. In this way, the committee can study and report out a comprehensive bill dealing with all aspects of the subject of electronic vote counting machines used in New Hampshire elections. Vote 13-4.

Committee report adopted.

**HB 138**, relative to disclosure of voting machine information. **INEXPEDIENT TO LEGISLATE.**

Rep. Claudia A. Chase for Election Law: The majority of the committee voted against this bill as a matter of process, not necessarily as the substantive objections to the bill's subject matter. Other legislation dealing with issues related to this bill are forthcoming and the committee will retain some of those bills for further study. It is contemplated that portions of this bill will be consolidated with those retained bills. In this way, the committee can study and report out a comprehensive bill dealing with all aspects of the subject of electronic vote counting machines used in New Hampshire elections. Vote 15-2.

Committee report adopted.

**HB 239-FN-A**, appropriating funds to the barn preservation fund matching grants program.  
**MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jane E. Beaulieu for the Majority of Environment and Agriculture: Locating financial resources to do repairs and updates has led to many barns demise in recent years. Some are dismantled and sold to other states. Funding this bill would assist maintaining a valuable New Hampshire resource – agricultural heritage. Vote 15-1.

Rep. Steve Vaillancourt for the Minority of Environment and Agriculture: Like the bill calling for state support for educating a “large animal” veterinarian, this bill provides special funding for a purpose far from vital to our society or our state. As such, even though the bill will have to go to the Finance Committee for final adjudication, the minority feels obligated to express opposition at this time. The Governor, in his budget, called for a \$12 million appropriation for LCHIP. This bill would commit another \$75,000 per year (\$150,000 for the biennium) to the barn preservation fund which has not been previously funded. At a time when we are uncertain about education funding; at a time when the developmental disability waiting list totals 150 or more individuals; at a time when so many vital state services will go unfunded, the minority cannot in good conscience recommend barn preservation as a priority. Even if this type of thing were to be a priority, monies should certainly come from the LCHIP monies even if an amendment to the LCHIP bill is needed to achieve that. Truly, government cannot be all things to all people, but we must put people ahead of barns whose owners already got a potential windfall with the bill passed earlier this session.

Rep. Vaillancourt spoke against.

Rep. Beaulieu spoke in favor.

Rep. Hopfgarten requested a roll call; sufficiently seconded.

## YEAS 219 NAYS 131

### YEAS 219

#### BELKNAP

Arsenault, Beth  
Reever, Judith

Millham, Alida  
Russell, David

Morrison, Gail  
Tobin, William

Pilliod, James  
Wood, Jane

#### CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward

Cunningham, Howard

#### CHESHIRE

Allen, Peter  
Butynski, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weed, Charles

Burridge, Delmar  
Chase, William  
Mitchell, Bonnie  
Roberts, Kris

Butcher, Suzanne  
Dunn, J. Timothy  
Parkhurst, Henry  
Sad, Tara

Butterworth, Timothy  
Eaton, Daniel  
Plifka, Stanley Jr  
Weber, Lucy

#### COOS

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

#### GRAFTON

Aguiar, James  
Cooney, Mary  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

Almy, Susan  
Dingman, Vernon III  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Andersen, Gene  
Eaton, Stephanie  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon  
Williams, Burton

#### HILLSBOROUGH

Baroody, Benjamin  
Brunelle, Michael  
Cote, David  
Emerton, Larry

Beaulieu, Jane  
Campbell, David  
Coughlin, Pamela  
Essex, David

Beck, Catriona  
Chase, Claudia  
Daler, Jennifer  
Farley, Michael

Bergin, Peter  
Clemons, Jane  
Edwards, Andrew  
Fontas, Jeffrey

Foster, Linda  
 Goley, Jeffrey  
 Hammond, Jill  
 Irwin, Anne-Marie  
 Kelley, John  
 Lasky, Bette  
 Mack, Ron  
 Messier, Irene  
 Reuschel, Michael  
 Simon, Anthony  
 Sullivan, Daniel

Gargas, Carolyn  
 Gorman, Mary  
 Harvey, Suzanne  
 Jean, Claudette  
 Knowles, John  
 Leishman, Peter  
 Martineau, Jesse  
 Movsesian, Lori  
 Rosenwald, Cindy  
 Smith, Sandra  
 Sullivan, Francis

Garrity, Patrick  
 Hackel, Paul  
 Hebert, Roger  
 Judy, Jean  
 Knowles, Mary Ann  
 Levesque, Melanie  
 Matarazzo, Anthony Sr  
 O'Connell, Timothy  
 Shattuck, Gilman  
 Spaulding, Jayne  
 Sysyn, Mary

Ginsburg, Ruth  
 Hall, Betty  
 Holden, Randolph  
 Kaelin, Michael  
 Kopka, Angeline  
 Long, Patrick  
 Mesa, Lily  
 O'Neil, James  
 Shaw, Barbara  
 Spratt, Stephen  
 Velez, Hector

### MERRIMACK

Baxley, Maureen  
 Brueggemann, Donald  
 DeStefano, Stephen  
 Gile, Mary  
 McMahon, Patricia  
 Potter, Frances  
 Shurtleff, Stephen  
 Walz, Mary  
 Yeaton, Charles

Blanchard, Elizabeth  
 Clarke, Claire  
 Ehlers, Eileen  
 Hager, Elizabeth  
 Osborne, Jessie  
 Reardon, Tara  
 Tilton, Joy  
 Webb, Leigh

Bouchard, Candace  
 Davis, Frank  
 Foose, Robert  
 Hamm, Christine  
 Owen, Derek  
 Richardson, Gary  
 Tupper, Frank  
 Wheeler, Deborah

Brown, Carole  
 DeJoie, John  
 French, Barbara  
 Kjellman, Eleanor Glynn  
 Porter, Margaret  
 Ryan, Jim  
 Wallner, Mary  
 Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
 Casey, Kimberley  
 Gleason, John  
 Johnson, Robert  
 Kepner, Susan  
 McKenna, Daniel  
 Powers, James  
 Snow, Richard

Borden, David  
 Day, Judith  
 Grote, Otto  
 Katsakiores, George  
 McCarthy, Linda  
 Moody, Marcia  
 Preston, Mark  
 Splaine, James

Brown, C. Pennington  
 Devine, James  
 Henson, John  
 Katsakiores, Phyllis  
 McEachern, Paul  
 Nord, Susi  
 Robertson, Carl

Cali-Pitts, Jacqueline  
 DiFruscia, Anthony  
 Howard, Doreen  
 Kennedy, James  
 McGuirk, Thomas  
 Pantelakos, Laura  
 Serlin, Christopher

### STRAFFORD

Berube, Roger  
 Burke, Rachel  
 Fargo, Thomas  
 Knowles, William  
 Rollo, Deanna  
 Smith, Marjorie  
 Vachon, Dennis

Brennan, William  
 Cyr, James  
 Grassie, Anne  
 Mickelonis, Shawn  
 Rollo, Michael  
 Spang, Judith  
 Wall, Janet

Brown, Larry  
 DeChane, Marlene  
 Hutz, Sarah  
 Miller, Joseph  
 Rous, Emma  
 Sprague, Dale

Browne, Brendon  
 Domingo, Baldwin  
 Kaen, Naida  
 Perry, Robert  
 Schmidt, Peter  
 Srnc, Robert

### SULLIVAN

Cloutier, John  
 Franklin, Peter  
 Jillette, Arthur Jr

Converse, Larry  
 Gagnon, Raymond  
 Nielsen, Ellen

Donovan, Thomas  
 Gottling, Suzanne  
 Phinzy, James

Ferland, Brenda  
 Houde, Matthew  
 Skinder, Carla

### NAYS 131

#### BELKNAP

Allen, Janet  
 Tilton, Franklin

Boyce, Laurie  
 Wendelboe, Fran

Nedeau, Stephen  
 Whalley, Michael

Thomas, John

#### CARROLL

Ahlgren, Christopher  
 Martin, James

Brown, Carolyn  
 Merrow, Harry

Chandler, Gene  
 Patten, Betsey

Denley, William  
 Stevens, Stanley

#### CHESHIRE

Emerson, Susan

Espiefs, Peter

Hunt, John

Johnson, Jane

**COOS**

King, Frederick	Remick, William	Stohl, Eric	Tholl, John Jr
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**GRAFTON**

Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul	Sorg, Gregory
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**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Christiansen, Lars	Clark, Mark	Crane, Elenore Casey	Daniels, Gary
Day, Russell	Dokmo, Cynthia	Elliott, Nancy	Francoeur, Bea
Graham, John	Haefner, Robert	Haley, Robert	Hinkle, Peyton
Hogan, Edith	Hunter, Bruce	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Levasseur, Nickolas
Manney, Pamela	Mooney, Maureen	Moran, Edward	Ober, Lynne
Ober, Russell III	Peterson, Andy	Price, Pamela	Renzullo, Andrew
Rowe, Robert	Schulze, Joan	Smith, David	Soucy, Connie
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Winters, Joel		

**MERRIMACK**

Anderson, Eric	Hess, David	Humphries, Charlie	Kidder, David
Lockwood, Priscilla	MacKay, James	Reed, Dennis	

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Camm, Kevin	Carson, Sharon	Case, Frank	Charron, Gene
Dalrymple, David	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Forsing, Robert
Garcia, Marilinda	Garrity, James	Gould, Kenneth	Griffin, Mary
Guthrie, Joseph	Headd, James	Hopfgarten, Paul	Ingram, Russell
Introne, Robert	Itse, Daniel	Kappler, Lawrence	Lister, Charlotte
Lund, Howie	Major, Norman	Marsh, Michael	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	Packard, Sherman	Pearson, Mark
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reagan, John
Russell, Trinka	Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin
Weare, Everett	Welch, David	Wells, Roger	Weyler, Kenneth
Winchell, George			

**STRAFFORD**

Billian, Deborah	Brown, Jennifer	Brown, Julie	Goodwin, Earle
Watson, Robert			

**SULLIVAN**

Rodeschin, Beverly

and the majority committee report was adopted.

Rep. Timothy Robertson declared a conflict of interest on **HB 239-FN-A** and did not participate. Referred to the Committee on Finance.

**HB 472-FN**, increasing fees for hazardous waste management and contaminated site cleanup, establishing rulemaking authority to set future fees, and changing reporting requirements. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jane E. Beaulieu for the Majority of Environment and Agriculture: This bill would increase fees for hazardous waste management and contaminated site clean up and changes reporting requirements for various waste activities. This legislation does not overly burden one segment of the economy and funds current programs. This is New Hampshire's superfund. The amendment restricts fee increases to those on existing fees specified in the legislation by removing language in the original bill that would have established new fees and allowed for future increases of existing fees through rulemaking. Vote 17-1.

Rep. Steve Vaillancourt for the Minority of Environment and Agriculture: These fee increases are in the range of 50 to 100 percent. The majority argues that such a hefty boost is okay because the fees haven't been increased in years. The minority responds that such an argument would be laughed at if we suggested doubling the rooms and meals tax, the business profits tax, the telecommunications tax, the gasoline tax or any other tax simply because it hasn't been increased in years. With fee increases, the increase is even worse because fees are supposed to represent the cost of providing the service rendered. In a sense, we are already overcharging with fees if we consider a fee based on the cost of processing applications. This bill would increase the amount of one application from \$5000 to \$7500. Assuming that an employee is paid \$30 an hour (and even allowing for departmental overhead of 10%), simple math leads us to believe that 225 hours would be taken for such processing (\$7500 less 10% = \$6750 divided by \$30 = 225 hours). Clearly, these fees are being used to accomplish other goals which should be funded out of the general fund (if such programs are necessary at all). Until such a time, we should not be increasing fees, all the more so when DES acknowledged that the fund to accomplish these programs is currently at a \$3 million surplus. The minority believes that, if anything, we should be reducing these fees. The minority, however, believes the amended version is somewhat better than the original which would have allowed DES to set fees in the future without coming to the Legislature for a full-blown hearing and vote.

### **Majority Amendment (0341h)**

Amend the title of the bill by replacing it with the following:

AN ACT increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements.

Amend the bill by replacing all after the enacting clause with the following:

1 Operator Permit Fees. Amend RSA 147-A:4, II to read as follows:

II. A permit application fee not to exceed ~~[\$5,000]~~ **\$7,500** shall accompany each permit, permit modification, and permit renewal application. ~~[The amount of the fee shall reflect the relative effort necessary for review of the application. Permit application fees shall be used by the department for review of applications. In addition to the application fee, the applicant shall be responsible for all reasonable hearing costs incurred by the department. State costs which exceed the permit application fee shall be charged monthly to the applicant at an hourly rate which includes, but is not limited to, staff salaries and benefit costs, current operating expenses, legal costs and travel. The hourly rate shall also be used to calculate any department costs associated with implementing and enforcing the terms and conditions of a permit issued by the department.]~~ Permit fees received by the department under this section shall be placed in the hazardous waste cleanup fund as established under RSA 147-B:3, shall be accounted for separately and shall be used in processing applications and enforcing and implementing conditions of a permit.

2 Small Quantity Waste Generator Self-Certification Fees. RSA 147-A:5, IV is repealed and reenacted to read as follows:

IV.(a) Each hazardous waste generator that generates less than 220 pounds (100 kilograms) of hazardous waste per month shall submit to the department, every 3 years, a self-certification declaration stating that the facility is in compliance with the small quantity hazardous waste generator rules. The declaration shall be on a form provided by the department.

(b) Each small quantity hazardous waste generator shall pay non-refundable fees at a rate of \$60 per year for the period of January 1, 2004 to June 30, 2007, and at a rate of \$90 per year beginning July 1, 2007, to cover department expenses for conducting the self-certification program and hiring of program staff. Total fees due for each year shall be submitted with the self-certification declaration form required under subparagraph (a).

(c) If the self-certification fee is not paid within 60 days of the due date, interest shall be assessed at a rate established by the commissioner, and shall be deposited into the cleanup fund. The commissioner may waive all or any portion of interest for good cause.

(d) Political subdivisions of the state shall be exempt from the fee for submitting a self-certification declaration.

(e) Small quantity hazardous waste generators that are participants in a department-developed multi-media compliance assurance program referred to as an environmental results program, or ERP, shall be exempt from this paragraph.

3 Initial Waste Activity Notification Fees. Amend RSA 147-A:6-a, I to read as follows:

I. Each initial notification of hazardous waste activity filed by any new hazardous waste generator in New Hampshire shall be accompanied by a non-refundable fee of ~~[\$100]~~ **\$150**.

4 Large Quantity Waste Generator Fees. RSA 147-B:8, I is repealed and reenacted to read as follows:

I. Each hazardous waste generator that generates in a 3-month period 660 pounds or more of unrecycled hazardous waste shall pay a quarterly fee of \$0.06 per pound or a minimum of \$100, to the department.

5 Large Quantity Waste Generator Fees. RSA 147-B:8, V is repealed and reenacted to read as follows:

V. Failure to pay fees within 60 days of the date due shall result in the assessment of interest at a rate established by the commissioner. The commissioner may waive all or any portion of interest for good cause. The department shall deposit interest collected under this section into the cleanup fund.

6 Brownfields Program Fees. Amend RSA 147-F:9, II (e) to read as follows:

(e) A non-refundable application fee of ~~[\$500]~~ **\$750**.

7 Brownfields Program Fees. Amend RSA 147-F:14, I-II to read as follows:

I. Any person, except for the state and local governments, including school districts, who requests an eligibility determination under RSA 147-F:4 shall pay a nonrefundable application fee of ~~[\$500]~~ **\$750** for program eligibility which shall be deposited in the hazardous waste cleanup fund. Any resubmittal of an incomplete application shall require an additional \$500 for each resubmission.

II. Any eligible person, except for the state and local governments, including school districts, who has previously paid the initial application fee, or any person who becomes a program participant under RSA 147-F:5, V, shall pay a nonrefundable ~~[\$3,000]~~ **\$4,500** fee which shall be deposited in the hazardous waste cleanup fund and used for purposes of the review work performed by the department under this chapter.

8 Rulemaking; Records and Department Costs. Amend RSA 147-F:18, II(i) to read as follows:

(i) Program fees structure, including procedures for maintaining records of department costs for the purpose of offsetting the initial ~~[\$3,000]~~ fee and obtaining reimbursement in accordance with RSA 147-F:14.

9 Brownfields Program Fees. Amend RSA 485:3-b, I to read as follows:

I. Any person, except for state and local governments including counties and political subdivisions, ~~who~~ **that** requests an expedited review of environmental site assessment reports by the department shall pay to the department a review fee based on the equalized assessed valuation of the property **as determined in rules adopted by the commissioner under RSA 541-A, shall be** as follows:

Equalized Assessed Valuation	Fee
\$0 to \$250,000	<del>[\$1,200]</del> <b>\$1,800</b>
\$250,001 to \$500,000	<del>[\$1,500]</del> <b>\$2,250</b>
\$500,001 to \$1,000,000	<del>[\$2,500]</del> <b>\$3,750</b>
greater than \$1,000,000	<del>[\$5,000]</del> <b>\$7,500</b>

10 Brownfields Program Fees. Amend RSA 485:3-c to read as follows:

485:3-c Groundwater Management Permit Fee. Any person, ~~[except for state and local governments including counties and political subdivisions, issued]~~ **submitting** a permit **application** under RSA 485:3, X shall pay to the department a groundwater management permit **application** fee of ~~[\$1,000]~~ **\$2,000**. Any person who has paid the environmental site assessment review fee specified in RSA 485:3-b shall be exempt from the groundwater management permit fee. **State and local governments including counties and political subdivisions shall be exempt from groundwater management permit application fees, unless eligible for funding under RSA 146-D, RSA 146-E, RSA 146-F, or RSA 146-G.**

11 Repeal. The following are repealed:

I. RSA 147-B:4, IV, relative to facility siting program annual reports.

II. RSA 147-B:15, relative to used oil program agency reports.

12 New Section; Annual Report. Amend RSA 147-B by inserting after section 11 the following new section:

147-B:11-a Annual Report The department shall submit an annual report by October 1 of each year to the governor and council, speaker of the house of representative, and president of the senate, relative to the activities and finances of the hazardous waste cleanup fund.

13 Effective Date. This act shall take effect July 1, 2007.

#### AMENDED ANALYSIS

This bill increases fees for hazardous waste management and contaminated site cleanup and changes reporting requirements for various waste activities.

Majority committee amendment adopted.

On a division vote, 232 members having voted in the affirmative and 111 in the negative, the majority committee report was adopted.

Referred to the Committee on Ways and Means.

**HB 897-FN-A**, relative to the salary of the state veterinarian. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard H. Snow for the Majority of Environment and Agriculture: While members of the committee, and indeed, the full House, may or may not support a change in salary for the current state veterinarian, this bill is not intended to address that question. The majority of the committee reached a consensus that there is a need to increase the salary range applicable to the state veterinarian position in order to ensure that our state will be able to attract and retain competent and qualified people to fill this vital position. The committee heard and carefully considered testimony about the duties and responsibilities of our state veterinarian. The committee heard and considered testimony relative to salaries for state veterinarians in neighboring states. The committee considered the fact that the search for our current state veterinarian went on for over a year. The committee determined, based on testimony and deliberation, that the current salary range for the state veterinarian position is inadequate and recommends reclassifying it to a higher range. Vote 12-3.

Rep. Steve Vaillancourt for the Minority of Environment and Agriculture: The minority does not believe that policy committees which come into contact with department heads and other state officials on a regular basis should be in the business of suggesting increased pay grades for any individual or individual positions. In the past, special blue ribbon commissions have properly considered pay grades. These commissions could look at the overall state picture and not make recommendations due to any personal consideration. In other words, personal favorites should not influence personnel. Clearly, that is what the majority did since much of the discussion regarding this pay classification centered on an individual and not on the position. The amount of money involved here is small, a difference of some \$20,000 at the maximum level of the two pay grades, but the principle of abandoning the long-standing way of evaluating state job classifications and leaving it up to a policy committee with its natural biases in favor of those it deals with is of tremendous concern to the minority.

On a division vote, 225 members having voted in the affirmative and 121 in the negative, the majority committee report was adopted.

Referred to the Committee on Finance.

**CACR II**, relating to the term of office for governor. Providing that beginning with the 2010 general election, there shall be a 4-year term of office for governor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. A. Laurie Harding for the Majority of Executive Departments and Administration: The majority of the committee felt that it was, once again, important to put this issue before the voters in the form of a constitutional amendment. The four year term was last presented to the voters in 1984. 63.61% voted in favor of a four year term, narrowly missing the required 66.67% needed for adoption. Recent polls indicate that 58% of the individuals polled would support such a change. New Hampshire is one of the only two states that has a two year term for governor. The other is Vermont. New Hampshire is a very different state than it was in 1984. Our demographics have changed. Health care delivery, the economy, the environment are presenting us with more complex problems. Our relationship with the federal government is becoming more challenging. A four year gubernatorial term would give the individual in our primary leadership position an opportunity to govern instead of running for office. Governors need a chance to establish and carry out their agendas. The passage of CACR 11 is about strengthening the future of our state. Vote 9-8.

Rep. Hector M. Velez for the Minority of Executive Departments and Administration: The minority firmly believes in the people's right to be heard every two years in the election of governor. We elect our federal congressional representatives, state representatives, state senators, and executive councilors every two years. By changing the governor's term to four years, it removes the people's right to express their opinion on how the governor's policies are being received. We heard that one of the reasons this bill was brought forward was because New Hampshire and Vermont were the only two states without a four year term. We believe that we should remain independent in having a two year term. Historically, the governor has been elected to a second term in office. This has happened because we have no term limits, and the people of our state, by voting every two years, have made the decision of who will lead us. This bill takes away the New Hampshire advantage. We were also told the governor has to think too much about re-election, and we believe that this is a good idea.

### MOTION TO LAY ON THE TABLE

Rep. Velez moved that *CACR 11*, relating to the term of office for governor. Providing that beginning with the 2010 general election, there shall be a 4-year term of office for governor, be laid on the table.

Rep. Velez requested a roll call; sufficiently seconded.

### YEAS 91 NAYS 258

#### YEAS 91 BELKNAP

Millham, Alida

#### CARROLL

Chandler, Gene

Stevens, Stanley

#### CHESHIRE

Hunt, John

Parkhurst, Henry

#### COOS

King, Frederick

Stohl, Eric

#### GRAFTON

Bulis, Lyle

Dingman, Vernon III

Eaton, Stephanie

Gionet, Edmond

Ingbreton, Paul

Solomon, Peter

Sorg, Gregory

#### HILLSBOROUGH

Batula, Peter

Bergeron, Jean-Guy

Bergin, Peter

Christensen, Chris

Christiansen, Lars

Clark, Mark

Daniels, Gary

Day, Russell

Gargas, Carolyn

Graham, John

Hinkle, Peyton

Hogan, Edith

Jasper, Shawn

L'Heureux, Robert

Lawrence, James

Lessard, Rudy

Mooney, Maureen

Moran, Edward

O'Connell, Timothy

Ober, Lynne

Ober, Russell III

Renzullo, Andrew

Schulze, Joan

Smith, David

Soucy, Connie

Spaulding, Jayne

Stepanek, Stephen

Tahir, Saghir

Ulery, Jordan

Vaillancourt, Steve

Velez, Hector

Villeneuve, Maurice

Winters, Joel

#### MERRIMACK

Anderson, Eric

Humphries, Charlie

Lockwood, Priscilla

Reed, Dennis

#### ROCKINGHAM

Allen, Mary

Baldasaro, Alfred

Bettencourt, David

Camm, Kevin

Carson, Sharon

Case, Frank

Charron, Gene

Emiro, Frank

Gleason, John

Gould, Kenneth

Griffin, Mary

Grote, Otto

Headd, James

Hopfgarten, Paul

Ingram, Russell

Introne, Robert

Itse, Daniel

Johnson, Robert

Kappler, Lawrence

Katsakiores, George



Katsakiores, Phyllis  
Nowe, Ronald  
Quandt, Matthew  
Stiles, Nancy

Lund, Howie  
Packard, Sherman  
Rausch, James  
Weyler, Kenneth

Major, Norman  
Pearson, Mark  
Reagan, John

McMahon, Charles  
Quandt, Marshall  
Robertson, Carl

### STRAFFORD

Brown, Julie

Goodwin, Earle

Sprague, Dale

### SULLIVAN

Ferland, Brenda

Phinizy, James

Rodeschin, Beverly

### NAYS 258

### BELKNAP

Allen, Janet  
Pilliod, James  
Tilton, Franklin  
Wood, Jane

Arsenault, Beth  
Reever, Judith  
Tobin, William

Morrison, Gail  
Russell, David  
Wendelboe, Fran

Nedeau, Stephen  
Thomas, John  
Whalley, Michael

### CARROLL

Ahlgren, Christopher  
Butler, Edward  
Knox, J. David

Bridgham, Robert  
Cunningham, Howard  
Martin, James

Brown, Carolyn  
Denley, William  
Merrow, Harry

Buco, Thomas  
Heard, Virginia  
Patten, Betsey

### CHESHIRE

Allen, Peter  
Butynski, William  
Emerson, Susan  
Mitchell, Bonnie  
Robertson, Timothy

Burridge, Delmar  
Chase, William  
Espieles, Peter  
Plifka, Stanley Jr  
Sad, Tara

Butcher, Suzanne  
Dunn, J. Timothy  
Johnson, Jane  
Richardson, Barbara  
Weber, Lucy

Butterworth, Timothy  
Eaton, Daniel  
Lerandeau, Alfred  
Roberts, Kris  
Weed, Charles

### COOS

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Remick, William

Mears, Edgar  
Tholl, John Jr

Merrick, Evalyn  
Thomas, Yvonne

### GRAFTON

Aguiar, James  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Williams, Burton

Almy, Susan  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon

Andersen, Gene  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

Benn, Bernard  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

### HILLSBOROUGH

Baroody, Benjamin  
Brunelle, Michael  
Cote, David  
Dokmo, Cynthia  
Essex, David  
Francoeur, Bea  
Gorman, Mary  
Hammond, Jill  
Irwin, Anne-Marie  
Kelley, John  
Kurk, Neal  
Levesque, Melanie  
Martineau, Jesse  
Movsesian, Lori  
Price, Pamela  
Shattuck, Gilman  
Spratt, Stephen

Barry, Richard  
Campbell, David  
Coughlin, Pamela  
Edwards, Andrew  
Farley, Michael  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Jean, Claudette  
Knowles, John  
Lasky, Bette  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Reuschel, Michael  
Shaw, Barbara  
Sullivan, Daniel

Beaulieu, Jane  
Chase, Claudia  
Crane, Elenore Casey  
Elliott, Nancy  
Fontas, Jeffrey  
Ginsburg, Ruth  
Haefner, Robert  
Hebert, Roger  
Judy, Jean  
Knowles, Mary Ann  
Leishman, Peter  
Mack, Ron  
Mesa, Lily  
O'Neil, James  
Rosenwald, Cindy  
Simon, Anthony  
Sysyn, Mary

Beck, Catriona  
Clemons, Jane  
Daler, Jennifer  
Emerton, Larry  
Foster, Linda  
Goley, Jeffrey  
Haley, Robert  
Holden, Randolph  
Kaelin, Michael  
Kopka, Angeline  
Levasseur, Nickolas  
Manney, Pamela  
Messier, Irene  
Peterson, Andy  
Rowe, Robert  
Smith, Sandra

**MERRIMACK**

Baxley, Maureen	Blanchard, Elizabeth	Bouchard, Candace	Brown, Carole
Brueggemann, Donald	Clarke, Claire	Davis, Frank	DeJoie, John
DeStefano, Stephen	Ehlers, Eileen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Kidder, David	Kjellman, Eleanor Glynn	MacKay, James	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Porter, Margaret	Potter, Frances
Reardon, Tara	Richardson, Gary	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary	Walz, Mary
Webb, Leigh	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Bedrick, Jason	Bishop, Franklin	Borden, David
Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley	Dalrymple, David
Day, Judith	Devine, James	DiFruscia, Anthony	Dumaine, Dudley
Elliott, Robert	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Garcia, Marilinda	Garrity, James	Guthrie, Joseph
Howard, Doreen	Kennedy, James	Kepner, Susan	Lister, Charlotte
Marsh, Michael	McCarthy, Linda	McEachern, Paul	McGuirk, Thomas
McKenna, Daniel	McKinney, Betsy	Moody, Marcia	Moore, Bennett
Nord, Susi	Pantelakos, Laura	Powers, James	Preston, Mark
Russell, Trink	Sanders, Elisabeth	Serlin, Christopher	Snow, Richard
Splaine, James	Waterhouse, Kevin	Weare, Everett	Welch, David
Wells, Roger	Winchell, George		

**STRAFFORD**

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Jennifer
Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
DeChane, Marlene	Domingo, Baldwin	Fargo, Thomas	Grassie, Anne
Hilliard, Dana	Hutz, Sarah	Kaen, Naida	Knowles, William
Mickelonis, Shawn	Miller, Joseph	Perry, Robert	Rollo, Deanna
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Srnec, Robert	Vachon, Dennis	Wall, Janet
Watson, Robert			

**SULLIVAN**

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr
Nielsen, Ellen	Skinder, Carla		

and the motion failed.

**MOTION TO SPECIAL ORDER**

Rep. Campbell moved that *CACR 11*, relating to the term of office for governor. Providing that beginning with the 2010 general election, there shall be a 4-year term of office for governor, be made a Special Order for March 21, 2007 in its regular calendar order.

On a division vote, 185 members having voted in the affirmative and 166 in the negative, the motion was adopted.

**REGULAR CALENDAR (CONT'D)**

**HB 155**, relative to membership of the state building code review board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill would add a 17th member to the Building Code Review Board. This individual, nominated by the Fire Prevention Society, would bring an additional level of technical expertise to the board. The bill was amended, at the request of the fire chiefs, to replace one chief's position with an "active fire prevention officer" nominated by the New Hampshire fire chiefs leaving the number on the board at 16. Vote 14-3.

**Amendment (0063h)**

Amend the bill by replacing all after the enacting clause with the following:

1 State Building Code Review Board; Active Fire Prevention Officer. Amend RSA 155-A:10, I(h) to read as follows:

(h) One ~~[municipal volunteer fire chief]~~ **active fire prevention officer**, nominated by the New Hampshire Association of Fire Chiefs.

2 State Building Code Review Board; Appointments. Amend RSA 155-A:10, II to read as follows:

II. The term of each member shall be 3 years ~~[except that persons initially appointed under subparagraphs I(a), (d), (g), (j) and (m) shall serve one-year terms, and persons initially appointed under subparagraphs I(b), (c), (h), (k) and (n) shall serve 2-year terms]~~. The chair shall be appointed by the commissioner of safety. Board members shall be appointed for no more than 2 consecutive 3-year terms.

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill requires the New Hampshire Association of Fire Chiefs to appoint an active fire prevention officer to the state building code review board. The bill also removes the provision that staggered the terms of the first appointees to the state building code review board.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 871-FN-A**, allowing the fish and game department to conduct an annual auction of moose hunting permits. **INEXPEDIENT TO LEGISLATE.**

Rep. John W. Henson for Fish and Game: This bill would have permitted auctioning of three moose permits to the highest bidder, resident or non-resident, for a minimum of \$5000. The committee voted not to support this bill for the following reasons: the amount of money raised would not alleviate the funding crisis in the Fish and Game Department, and the wildlife belongs to the general public and should not be auctioned to the highest bidder for short term gain. Vote 6-5. Committee report adopted.

**HB 628-FN-A**, establishing the New Hampshire Rx advantage program and continually appropriating a special fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for the Majority of Health, Human Services and Elderly Affairs: This bill establishes the New Hampshire Rx Plus Program. The intent is to make drugs more affordable for those who are low income, uninsured individuals. It is an attempt to deal with one aspect of the delivery of health care services to those who are disadvantaged. The bill calls for a prescription discount card to be used in pharmacies, and, in addition, it directs DHHS to enter into rebate agreements with pharmaceutical companies. This bill has been many years in the making. It is supported by AARP and the New Hampshire Independent Pharmacy Association. It is patterned after a successful similar bill in the State of Maine that has led to discounts of 15-60 percent to low income, uninsured individuals for drugs from pharmaceutical companies who participate in the Medicaid program. This program has been upheld all the way to the United States Supreme Court as being constitutional and being consistent with the goals of Medicaid. The amendment to this bill is designed to help pharmacies from inadvertently being in conflict with the state's "most favored nation" law; while participating with this plan, they are exempted from the penalties of RSA 126, IV. The committee strongly supports this legislation. Vote 18-1.

Rep. Susan Emerson for the Minority of Health, Human Services and Elderly Affairs: The major point of the controversy in this bill is a provision that is referred to as "The Hammer." "The Hammer" clause says that if a particular drug company chooses not to provide discounts under this program then the state may make it harder for New Hampshire citizens to obtain that company's drugs under the Medicaid program by implementing prior authorization. The bill gives the state the option to leverage the Medicaid program to obtain discounts for others and it could backfire on the poorest of the poor. The State of Maine enacted a law with "The Hammer" clause; however, that state has told the United States District Court that Maine would request a waiver if it planned to implement "The Hammer." So far, there has been no indication in Maine that "The Hammer" will be used. Since Maine has made this commitment to the court and has not, to anyone's knowl-

edge, begun the process of seeking federal CMS (Center for Medicare and Medicaid Services) approval, it is reasonable to believe that drug companies are choosing to participate or not to participate in Maine based on other business considerations. Other states, such as Ohio, have not included "The Hammer" in their statutes. "The Hammer" is the minority's primary opposition to this bill and, unless it is removed, the minority thinks the bill should be I.T.L. There are also concerns about the fiscal note.

### **Majority Amendment (0294h)**

Amend RSA 161-L:1 as inserted by section 2 of the bill by replacing it with the following:

161-L:1 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of health and human services.
- II. "Covered drugs" means drugs that are on the New Hampshire preferred drug list.
- III. "Department" means the department of health and human services.
- IV. "Fund" means the New Hampshire Rx advantage program fund, established in RSA 161L:5.
- V. "Initial discounted price" for a drug means the price which has been discounted from a pharmacy's usual and customary charge that participating retail pharmacies may charge qualified residents participating in the program for that drug.
- VI. "Labeler" means an entity or person that receives prescription drugs from a manufacturer or wholesaler and repackages those drugs for later retail sale and that has a labeler code from the federal Food and Drug Administration under 21 C.F.R. section 207.20.
- VII. "Participating retail pharmacy" or "retail pharmacy" means a retail pharmacy located in this state, or another business licensed to dispense prescription drugs in this state, that participates in the program.
- VIII. "Program" means the New Hampshire Rx advantage program established under this chapter.
- IX. "Qualified resident" means a resident of this state who has a family income equal to or less than 350 percent of the federal poverty level and who self-qualifies as an enrollee in the program. "Qualified resident" also means a resident of this state whose family incurs unreimbursed expenses for prescription drugs that equal 5 percent or more of family income or whose total unreimbursed medical expenses equal 15 percent or more of family income. For purposes of this definition, the cost of drugs provided under this chapter shall be considered an expense incurred by the family for eligibility determination purposes.

X. "Secondary discounted price" means the initial discounted price minus any further discounts paid for out of the fund.

XI. "Usual and customary charge" means the charge a pharmacy charges a customer for a prescription drug.

Amend RSA 161-L:2, I as inserted by section 2 of the bill by replacing it with the following:

I. A drug manufacturer or labeler that sells prescription drugs in this state through any other publicly-supported pharmaceutical assistance program may enter into a rebate agreement with the department for this program. The rebate agreement shall require the manufacturer or labeler to make rebate payments to the state each calendar quarter or according to a schedule established by the department.

Amend RSA 161-L:4 as inserted by section 2 of the bill by replacing it with the following:

161-L:4 Nonparticipating Manufacturers and Labelers. The names of manufacturers and labelers who do and do not enter into rebate agreements pursuant to this chapter shall be public information. The department shall release such information to health care providers and the public on a regular basis and shall publicize participation by manufacturers and labelers that is of particular benefit to the public. The department shall impose prior authorization requirements in the program, as permitted by law, to the extent the department determines it is appropriate to do so in order to encourage manufacturer and labeler participation in the program and if the additional prior authorization requirements remain consistent with the goals of the program and the requirements of the federal Social Security Act, Title 19.

Amend RSA 161-L:6 as inserted by section 2 of the bill by replacing it with the following:

161-L:6 Rulemaking. The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

- I. Procedures for issuing program enrollment cards.
- II. Outreach efforts to build public awareness of the program and to maximize enrollment of eligible residents.

III. Content and format of any forms required under this chapter.

IV. Procedures for entering into rebate agreements with drug manufacturers or labelers.

V. Manner of releasing information to the public under RSA 161-L:4.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-5 to read as 4-6, respectively:

3 Generic Drugs. Amend RSA 126-A:3, V to read as follows:

V. Pharmacists shall substitute generically equivalent drug products for all legend and non-legend prescriptions paid for by the department of health and human services, including the medicaid program, unless the prescribing practitioner specifies that the brand name drug product is medically necessary. Such notification shall be in the practitioner's own handwriting and shall be retained in the pharmacist's file. ~~[The commissioner may waive the application of RSA 126-A:3, III if the commissioner determines such action is necessary to ensure the availability of prescription and other pharmaceutical services to persons served by the department or to avert serious economic hardship in the provision of prescriptions and other pharmaceutical services. The commissioner shall adopt rules under RSA 541-A relative to a waiver of the application.]~~ *The provisions of paragraph IV shall not apply to the dispensing by a pharmacy for medical assistance reimbursement for legend and non-legend drugs.* The commissioner, in consultation with pharmacy providers, ~~[may develop a new methodology for]~~ *shall establish* medical assistance reimbursement for legend and non-legend drugs.

Majority committee amendment adopted.

Rep. Charles McMahon offered floor amendment (0421h).

#### **Floor Amendment (0421h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing the New Hampshire Rx advantage program and continually appropriating a special fund and relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making an appropriation therefor.

Amend the bill by replacing section 6 with the following:

6 Purpose. It is the intention of the general court in sections 6 through 8 of this act to provide sufficient funding to the department of health and human services to ensure that persons who apply for and are eligible to receive services in the state's developmental services system receive such services without undue delay. Therefore, the general court hereby achieves its objective by reducing the time between completion of a preliminary written individual service agreement for persons who have been determined eligible for services and the allocation by the state of the funds needed to carry out the services required by the agreement to no more than 90 days.

7 New Section; Waiting List; Duration Limits. Amend RSA 171-A by inserting after section 1-c the following new section:

171-A:1-d Waiting List; Limits. The department shall provide services to eligible persons under this chapter in a timely manner. The department shall provide services in such a manner that the period between the time of completion of a preliminary written individual service agreement pursuant to RSA 171-A:12 and the allocation by the department of the funds needed to carry out the services required by the agreement shall not exceed 90 days. The department shall make quarterly reports to the oversight committee established by RSA 171-A:1-c, and the oversight committee on health and human services, established by RSA 126-A:13, on the status of the waiting list and compliance with this section.

8 Appropriation; Waiting List. The sum of \$4,100,000 in general funds together with federal matching funds for the fiscal year ending June 30, 2008 and the sum of \$11,900,000 in general funds together with federal matching funds for the fiscal year ending June 30, 2009 are hereby appropriated to the department of health and human services, for the purpose of providing services to persons with developmental disabilities and acquired brain disorders who have applied and have been determined eligible for services and who have been placed on a waiting list for such services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

9 Effective Date.

I. Sections 6-8 of this act shall take effect July 1, 2007.

II. The remainder of this act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill establishes the New Hampshire Rx advantage program for prescription drugs. Under this bill, participating pharmacies shall sell prescription drugs to qualified residents at a discounted price. The bill grants rulemaking authority to the New Hampshire pharmacy board and the commissioner of the department of health and human services for the purposes of the program.

This bill also requires the department of health and human services to provide services to persons with developmental disabilities and acquired brain disorders within 90 days of a preliminary written individual service agreement and makes an appropriation for the purposes of this requirement. The Speaker ruled floor amendment (0421h) non germane.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Wendelboe spoke against and yielded to questions.

Reps. Rosenwald and DeJoie spoke in favor.

On a division vote, 257 members having voted in the affirmative and 95 in the negative, the majority committee report was adopted.

Referred to the Committee on Finance.

**HB 721**, relative to the appropriation to the department of health and human services for rates paid for nursing services. **OUGHT TO PASS.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill pertains to the so called "budget neutrality factor" in both county and private nursing homes. The "budget neutrality factor" is a flat percentage cut in Medicaid reimbursement rates which the Department Of Health and Human Services makes semi-annually when it sets the nursing home rates. The "budget neutrality factor" was created because the complex system which the Department uses to determine rates routinely shows that county and private nursing homes should be paid more than what the Legislature has appropriated in the state budget. However, it turns out that since 2002, the Department has actually been lapsing millions of dollars at the end of the fiscal year out of the nursing home line item in the budget. Just out of fairness, the Department should not on the one hand be telling nursing homes that rates have to be cut because there is not enough money in the budget, and then on the other hand be lapsing millions of dollars because the Department says that there is a surplus in the nursing home appropriation. Vote 14-2.

Committee report adopted.

Referred to the Committee on Finance.

**HB 222**, relative to residency requirements for members appointed to historic district or heritage commissions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry Brown for the Majority of Municipal and County Government: The committee was appreciative of the goal and purpose of the bill and of the willingness of non-residents to serve on historic commissions in communities where they have a "demonstrated interest and ability." However, it was the opinion of the majority that the rights of the residents of a municipality should not be diluted by extending any voting privileges to non residents. The bill, as presented, does not provide for a permissive enabling vote of the local legislative body prior to its implementation. Vote 13-4.

Rep. Mary R. Cooney for the Minority of Municipal and County Government: This bill was brought forward with the simple intent of allowing one non-resident to be appointed to an historic district or heritage commission as long as that person had interest in serving and owned property in that municipality. The argument that this would be heading down a slippery slope seemed somewhat over blown, considering the limited power of one vote on one commission.

Majority committee report adopted.

**HB 456**, limiting liability for town health officers when acting in the course of their official duties. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: Health officers are appointed by the Commissioner of the Department of Health and Human Services as recommended by the town selectmen per RSA 128. However, if the selectmen do not recommend a health officer the commissioner may appoint without recommendation. The health officer serves as a liaison between state officials and the local community. Some of their duties are to inspect daycare/foster homes,

septic system failures, drinking water facilities, swimming places, along with inspection of schools, homes, slaughterhouses and tattoo parlors. The committee heard testimony that a health officer was sued in Dublin because of a septic system failure. Neither the town nor the state supported the health inspector in the court case. The health officer is currently waiting for a ruling from the Attorney General. In our litigious society, if there is any question about indemnification for our local officials or employees the statute should be explicit. The amendment includes the overseers of public welfare to those who are indemnified. Vote 14-3.

#### **Amendment (0278h)**

Amend the title of the bill by replacing it with the following:

AN ACT limiting liability for town health officers and overseers of public welfare when acting in the course of their official duties.

Amend the bill by replacing section 1 with the following:

1 Health Officers and Overseers of Public Welfare; Liability. Amend RSA 31:104 to read as follows:

31:104 Liability of Municipal Executives. Notwithstanding any provisions of law to the contrary, no member of the governing board of any municipal corporation or political subdivision[?], no member of any other board, commission, or bureau of any municipal corporation or political subdivision created or existing pursuant to a statute or charter, and no chief executive officer of such municipal corporation or political subdivision, including but not limited to city councilors and aldermen, selectmen, county convention members, members of boards of adjustment, members of planning boards, school board members, mayors, city managers, town managers, county commissioners, regional planning commissioners, *town health officers, overseers of public welfare*, and school superintendents shall be held liable for civil damages for any vote, resolution, or decision made by said person acting in his *or her* official capacity in good faith and within the scope of his *or her* authority.

#### **AMENDED ANALYSIS**

This bill limits liability for town health officers and overseers of public welfare when acting in the course of their official duties.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 412-FN-A**, relative to a new bridge connecting Hampton and Seabrook and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: This bill would have authorized the design and building of a bridge outside of the normal ten-year planning process. Additionally, the bill would have bonded the \$8,000,000 state share of the cost of the bridge, with repayment of the bond to come from the state's general fund. The committee was unanimous in rejecting this proposal for two reasons. One, we believe that all highway projects should be part of the 10-Year Plan and not as special legislation. Two, bonding for highway projects should be repaid from either the highway fund or the turnpike fund. The Department of Transportation stated that they were already in discussions with the concerned parties on the need and design of this bridge. Vote 18-0. Committee report adopted.

**HB 663-FN-A**, making an appropriation to implement the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sid Lovett for Resources, Recreation and Development: The committee, in support of the recommendations of the commission studying the Comprehensive Shoreland Protection Act, chose to recommend a permit fee process to fund the needed additional staff to manage the shoreland protection program. This is similar to the DES fee program for wetland protection. Enforcement and outreach is difficult with the current staff of only 2 persons. A permit program would also provide the landowner with notice of what actions can be taken within the 250 foot shoreland zone. Vote 14-3.

#### **Amendment (0380h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the comprehensive shoreland protection act and making an appropriation therefor.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Permit Required. Amend RSA 483-B by inserting after section 5 the following new section:

483-B:5-a Permit Required. No person shall commence construction activities within the protected shoreland without obtaining a permit from the department to ensure compliance with this chapter. The permit application fee shall be \$100 plus \$.10 per square foot of area affected by the proposed construction activities.

3 New Paragraph; Rulemaking. Amend RSA 483-B:17 by inserting after paragraph X the following new paragraph:

XI. Permitting procedures under RSA 483-B:5-a.

4 Effective Date.

I. Section 2 of this act shall take effect January 1, 2008.

II. The remainder of this act shall take effect July 1, 2007

#### AMENDED ANALYSIS

This bill:

I. Makes an appropriation to fund implementation of the comprehensive shoreland protection act.

II. Requires a permit prior to commencement of construction within the protected shoreland.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

**HB 310**, allowing municipalities to regulate wind turbines used for home energy production. **ought to pass with amendment.**

Rep. William V. Chase for Science, Technology and Energy: This bill creates a framework for zoning and planning boards of municipalities to address issues regarding the installation of renewable wind energy facilities in their communities. As amended, the bill states that municipalities shall not unreasonably restrict wind tower height or system height through the application of generic ordinances or regulations that do not specifically address small wind energy systems. The "Declaration of Purpose" section of the Planning and Zoning Statute, RSA 672:1 will be amended to read "the installation of solar, wind, or other renewable energy systems or the building of structures that facilitate the collection of renewable energy shall not be unreasonably limited by the use of municipal zoning powers or by the unreasonable interpretation of such powers, except where necessary to protect the public health, safety, and welfare." The bill directs the Office of Energy and Planning to develop a technical bulletin relative to model municipal ordinances for the construction of small wind energy systems. Vote 14-2.

#### Amendment (0268h)

Amend the title of this bill by replacing it with the following:

AN ACT allowing municipalities to regulate small wind energy systems.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Small Wind Energy Systems. Amend RSA 674 by inserting after section 57 the following new subdivision:

Small Wind Energy Systems

674:58 Definitions. In this subdivision:

I. "Small wind energy system" means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity consistent with the net metering specifications of RSA 362-A:9 and which will be used primarily for onsite consumption.

II. "System height" means the height above grade of the tower plus the wind generator.

III. "Tower height" means the height above grade of the fixed portion of the tower, excluding the wind generator.

IV. "Wind generator" means blades and associated mechanical and electrical conversion components mounted on top of the tower.

674:59 Municipal Regulations of Small Wind Energy Systems. Ordinances or regulations adopted by municipalities to regulate the installation and operation of small wind energy systems shall not unreasonably limit such installations or unreasonably hinder the performance of such installations. Unreasonable limits or hindrances to performance shall include the following:



I. Restricting tower height or system height through application of a generic ordinance or regulation on height that does not specifically address allowable tower height or system height of a small wind energy system.

II. Requiring a setback from property boundaries for a tower greater than 110 percent of the system height, or greater than 220 percent of the system height if any abutting landowner disapproves of the system's installation.

III. Setting a noise level limit lower than 60 decibels, as measured at the closest neighboring inhabited dwelling, or not allowing for limit overages during short-term events such as utility outages and severe wind storms.

IV. Setting electrical or structural design criteria that exceed applicable state, federal or international building or electrical codes or laws.

674:60 Aviation Requirements. Small wind energy systems shall be built to comply with all applicable Federal Aviation Administration requirements, including 14 C.F.R. part 77, subpart B regarding installations close to airports, and the airport zoning regulations adopted under RSA 424:5.

674:61 Abandonment. A small wind energy system that is out-of-service for a continuous 12-month period shall be deemed abandoned. The planning board administrator may issue a notice of abandonment to the owner of an abandoned small wind energy system. The owner shall have the right to respond to the notice of abandonment within 30 days from the receipt date. The planning board shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides the planning board with information demonstrating the small wind energy system has not been abandoned. If the small wind energy system is determined to be abandoned, the owner of the small wind energy system shall remove the wind generator from the tower at the owner's sole expense within 3 months of receipt of notice of abandonment. If the owner fails to remove the wind generator from the tower, the administrator may pursue a legal action to have the wind generator removed at the owner's expense.

2 Renewable Energy; Zoning. Amend RSA 672:1, III-a to read as follows:

III-a. Proper regulations encourage energy efficient patterns of development, the use of solar energy, including adequate access to direct sunlight for solar energy uses, and the use of other renewable forms of energy, and energy conservation. Therefore, ~~[zoning ordinances should not unreasonably limit]~~ the installation of solar, wind, or other renewable energy systems or the building of structures that facilitate the collection of renewable energy *shall not be unreasonably limited by use of municipal zoning powers or by the unreasonable interpretation of such powers* except where necessary to protect the public health, safety, and welfare;

3 Renewable Energy; Zoning. Amend RSA 672:1, III-d to read as follows:

III-d. For purposes of paragraphs *III-a*, III-b, III-c, and III-e, "unreasonable interpretation" includes the failure of local land use authorities to recognize that agriculture, forestry, *renewable energy systems*, and commercial and recreational fisheries, when practiced in accordance with applicable laws and regulations, are traditional, fundamental and accessory uses of land throughout New Hampshire, and that a prohibition upon these uses cannot necessarily be inferred from the failure of an ordinance or regulation to address them;

4 New Section; Model Ordinance. Amend RSA 4-C by inserting after section 5 the following new section:

4-C:5-a Model Ordinance. The director of the office of energy and planning shall develop a technical bulletin relative to model municipal ordinances for the construction of small wind energy systems. Prior to development, the director shall hold one or more public hearings and solicit comments from interested parties. The office shall provide a copy of the technical bulletin to any New Hampshire municipality that requests it.

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows municipalities to regulate small wind energy systems.

Amendment adopted.

Committee report adopted.

Rep. Peter Allen declared a conflict of interest on *HB 310* and did not participate.

Referred to the Committee on Municipal and County Government.

**HB 476**, relative to membership on the public utilities commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene F. Andersen for Science, Technology and Energy: Current law states that of the three commissioners to the public utility commission, one shall be an attorney and member of the New Hampshire bar and one shall have background or experience in one or more of the following: engineering, economics, accounting or finance. This bill would require that the commissioners be composed of: one attorney and member of the NH bar (no experiences noted for attorney), one engineer with experience with a public utility and one accountant (no experience noted for accountant). The bill's sponsors felt that these disciplines were necessary to do the job. The majority of the committee felt that it was experience and not just education that was the essential element for membership on the PUC and that staff will provide information required for educational disciplines. The majority feels strongly that we do not want to limit the field of candidates based on an educational requirement unrelated to a lifetime of experience and achievement. Vote 11-5. Committee report adopted.

**HB 528-FN**, expanding the enhanced 911 system surcharge to providers of devices and services capable of accessing enhanced 911 service in New Hampshire. **INEXPEDIENT TO LEGISLATE.** Rep. James M. Garrity for Science, Technology and Energy: This bill was requested by the NH Dept. of Safety's Division of Emergency Services, Communications and Management. This is the division which operates the enhanced 911, or E-911, system. The division realizes that telephone and communications technologies are changing rapidly. It fears that the traditional land-line telephone population will increasingly be replaced by telephone services using VoIP (Voice over Internet Protocol) technologies. It must be remembered that the E-911 system is primarily financed by a monthly surcharge on each telephone (currently 64 cents). As more NH customers switch to VoIP, the division feels that the VoIP telephony providers may not pay the surcharge, and, eventually, the E-911 revenue would decline year-on-year. The committee majority understood the issue, but felt that this bill was not the correct way to address it at this time. The reasons for the ITL were as follows: 1) The VoIP market and technologies are still developing and we want to wait for it to become more mature in order to assess the potential impact on the E-911 fund. 2) Currently, the leading VoIP telephony providers in NH are either negotiating with the division to pay the E-911 surcharge (in the case of Vonage), or already doing so (in the case of proprietary cable-broadband-VoIP companies). 3) Although the number of land-lines in NH continues to decrease, the number of cell phones continues to increase. According to the division, the E-911 surcharge is being collected from 800,000 land lines and 600,000 cellular-wireless lines. 4) The bill also tried to assess the E-911 surcharge on pre-paid calling cards and "each device or service capable of providing access to 911." The committee felt that was too broad and identification and collection from non-traditional providers would be difficult to enforce. 5) No specific financial forecast numbers could be provided. To quote the Fiscal Note, "The Department states it cannot estimate the increase in state restricted revenue to the enhanced 911 system fund because it does not know how many entities supply devices or services capable of contacting 911 but are not paying the surcharge, or how many entities might be created in the future that would have this capability." 6) Public policy dealing with funding sources should be based on solid financial estimates, not on hunches. 7) Finally, the committee majority feels that the perceived problem is not imminent, and there is time to observe the changing communications market and make policy adjustments in the future. Vote 14-2. Committee report adopted.

**HB 221**, removing the requirement that the department of transportation report certain information relative to highway activity to the department of administrative services. **OUGHT TO PASS.** Rep. Robert W. Williams for Transportation: This bill amends RSA 9:4-d simply by adding the words, "except the department of transportation." The Department of Administrative Services already has the required information. It would take the Department of Transportation another day to fill out the report form required by RSA 9:4-d. This bill has nothing to do with the audit. Vote 14-3. Committee report adopted. Referred to the Committee on Finance.

**HB 90**, establishing a committee to study the feasibility of imposing a luxury sales tax and an amusements tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael D. Brunelle for Ways and Means: Although not opposed to examining the issue, the committee felt that the feasibility of imposing a luxury sales tax and an amusements tax should not be studied exclusively, but in conjunction with an education funding study committee established by HB 145. This bill, which was retained by the committee, will explore unexploited revenue sources for the purpose of funding education, including this one. Vote 16-2. Committee report adopted.

### **SPECIAL ORDERED**

Without objection, the Speaker ordered the remainder of the bills on today's calendar to be made Special Orders for the next session day in their Regular Calendar order.

### **RESOLUTION**

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 7, 2007 at 10:00 a.m.

Adopted.

### **LATE SESSION**

#### **Third reading and final passage**

**HB 93**, relative to use of the child support guidelines worksheet.

**HB 94**, relative to overpayments of child support.

**HB 240**, relative to the amount of child support arrearage triggering the denial of a passport.

**HB 292**, relative to consideration of the preference of a mature minor in the modification of parental rights and responsibilities.

**HB 323**, establishing a committee to study liquor commission revenues, enforcement, and training.

**HB 409**, relative to liquor licenses for sports recreation facilities.

**HB 194**, relative to laboratories conducting alcohol concentration tests.

**HB 227**, relative to identity theft.

**HB 37**, relative to notification requirements for criminal offenders.

**HB 120**, relative to extending polling hours.

**HB 146**, relative to nicknames on ballots.

**HB 236**, relative to the use of "farmer's markets" in trade names.

**HB 135**, establishing the second Sunday in October as Firefighters Memorial Day.

**HB 249**, relative to preliminary objections to rules made by the joint legislative committee on administrative rules, and relative to extending the study committee on the rules process.

**HB 362**, relative to the advisory committee on quality of vital records information.

**HB 439**, relative to certain rulemaking authority of the commissioner of environmental services.

**HB 482**, adding the song "Live Free or Die" as an official state song.

**HB 59**, relative to crossbow hunting by a person with a disability.

**HB 248**, eliminating separate dedicated accounts in the fish and game department and transferring the sums into the fish and game fund.

**HB 517**, establishing a commission to investigate cost drivers in providing health care.

**HB 723**, extending the moratoriums on nursing home beds and rehabilitation.

**HB 218**, relative to chief firewards, engineers, or fire chiefs.

**HB 226**, relative to the investment of trust funds.

**HB 418**, relative to RV friendly highway signs.

**HB 466-L**, relative to removal of vehicles from state park and ride lots.

**HB 144**, relative to operation of boats on Spectacle Pond.

**HB 216**, establishing a commission to study the causes, effects, and remediation of siltation in the Great Bay Estuary.

**HB 458**, relative to the exemption of replacement or redundant wells from the large groundwater withdrawal permitting process.

**HB 468**, relative to establishing the freedom's way heritage area and commission.

**HB 119**, relative to the sunset provision of the system benefits charge.

**HB 202**, relative to a point system for automobile dealer and inspection station violations.

**HB 209**, relative to eligibility for farm plates.

**HB 351**, clarifying that the definition of “overseas business organization” includes all foreign incorporated business organizations and all 80/20 business organizations, and redefining “business activity” for purposes of the business profits tax.

**HB 372-FN-A**, exempting motor vehicles equipped and used for transporting disabled persons from the tax on rental of motor vehicles.

**HB 102**, defining “food” for purposes of the alcoholic beverages laws.

**HB 155**, relative to membership of the state building code review board.

**HB 456**, limiting liability for town health officers and overseers of public welfare when acting in the course of their official duties.

### UNANIMOUS CONSENT

Rep. John Thomas addressed the House.

### MOTION TO PRINT REMARKS

Rep. Phinizy moved that the remarks of Rep. John Thomas be printed in the Permanent Journal. Adopted.

### REMARKS

**Rep. John Thomas:** I rise today to talk about tradition and symbolism. One symbol of this House was Rep. Alf Jacobson. Some of you may remember Alf, who was self described as “just a poor country boy.” For over 20 years, Alf carried on a tradition of salutation at this time of year.

Alf was part of this nation’s history. As a young Marine in February and March of 1945, Alf, with his Marine unit, stormed the beaches of Iwo Jima and every year as a tradition he would salute those comrades of his in this, the people’s house.

Although just a speck on the Pacific Ocean, the battle for the tiny island of Iwo Jima possessed enormous strategic and symbolic importance for both Japan and the U.S. Strategically, the U.S. needed to oust the Japanese and take possession of the island’s airstrips for use in bombing the Japanese mainland. Symbolically, the first U.S. Marines to splash ashore did something that had not happened in 5 millennia of Japanese history – they were foreign warriors treading Japanese soil. The island was Japanese home turf, lying some 650 miles from Tokyo; it was virtually sacred ground and the defenders were ordered to die holding it.

Those waterlogged Marines, brave and dying in pre-planned, pre-positioned fields of fire, cracked the façade of Japanese invulnerability over weeks of no-holds barred hand to hand fighting, famously described as a time when “uncommon valor was a common virtue.”

Four miles long, shaped like a pork chop, covering 8 square miles there were no front lines, no rear and every inch a battleground.

As the Marines could not dig foxholes in the volcanic rock, they were sitting ducks. Every Marine was a target. In the 36 days of fighting there were 25,851 U.S. casualties. Of these, 6825 Marines were killed. Virtually all of the 22,000 Japanese defenders perished. There were more Marines who earned the Congressional Medal of Honor on Iwo than in any other battle in U.S. history. Yes, uncommon valor was a common virtue.

Let’s talk about tradition - Marine tradition. The blood red stripe on the Marine’s dress blue uniform trousers comes from the Marine blood shed at the Halls of Montezuma. The malimuke sword worn and used in Marine ceremonies came from the Shores of Tripoli. The term leatherneck comes from the high leather collar of old used to repel saber slashes. The Germans of WWI tagged a term on the Marines because they “fought like Devil Dogs.”

There is another traditional symbol that indicates Marines and that is one of the most recognized symbols in our history, the raising of the U.S. flag on Mount Suribachi during that bloody fight on Iwo Jima. Five Marines and a Navy corpsman raised that flag after days of trying to take that hill. Those six warriors are immortalized in the book, *Flags of Our Fathers* by the son of the corpsman. Allow me to tell you of their fates.

Sgt. Mike Strank led the men to the top. Sgt. Strank was killed by mortar fire on March 1<sup>st</sup> on Iwo. He is buried in Arlington National Cemetery.

Cpl. Harlon Block was second in command of the squad. Harlon was killed just hours after Mike by mortar fire. He is buried next to the Iwo Jima memorial in Harlingen, Texas.

Franklyn Sousley of Hilltop, Kentucky was killed on Iwo on March 21<sup>st</sup> and is buried in Elizaville, Kentucky.

Pvt. Ira Hayes, a Pima Indian from Sacaton, Arkansas had never been off the reservation before going into the Corps. Ira died in 1954 at the age of 34.

Pfc. Rene Gagnon of Manchester, New Hampshire was the youngest of the six and carried the flag to the top. Rene is honored in a special room at the Wright Museum in Wolfeboro, New Hampshire. He is buried in Arlington National Cemetery.

"Doc" Bradley was a Navy corpsman who just jumped in to help. He won the Navy Cross for heroism and was wounded in both legs on Iwo. He died at home in 1994 at the age of 70 and was the father of the author of *Flags of Our Fathers*.

Much has been written of that famous island but most remember the memorial statue of that time of death as a symbol of American patriotism and valor.

Suribachi is silent today but still looks over the volcanic sands of those beaches. The small memorial at the top looks over the thousands who died and never left. We as a nation should never forget our symbols, our traditions of honoring those who served.

Thank you, Madam Speaker.

### RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purpose of introduction of bills and receiving Senate messages.

Adopted.

The House recessed at 3:20 p.m.

### RECESS

**(Rep. Chandler in the Chair)**

### RESOLUTION

Rep. Whalley offered the following: **RESOLVED**, that late drafting and introduction having been approved by the Rules Committee, House Bills numbered 1 and 25 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

#### **First, second reading and referral**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009. (M. Smith, Strat 7: Finance)

**HB 25-FN-A**, making appropriations for capital improvements. (Bouchard, Merr 11: Public Works and Highways)

### RECESS

**(Speaker Norelli in the Chair)**

Rep. Wallner moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 8

Wednesday, March 7, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the member from Concord, Representative Frances Potter.

A moment of quiet to name in our hearts those dear to us who are far away and those who look to us for help in trouble.

Holy and gracious God, Creator of all that is seen and unseen. You have made the universe with its wondrous order; worlds and galaxies and the marvels of living beings. You have given us grace to be fellow workers in Your creation. Grant us guidance, reverence and wisdom as we work for the well being of the people we are committed to serve. We give thanks for our companionship with one another. May we be strengthened by Your grace in all that we do this day. Amen.

Rep. Fred King, member from Colebrook, led the Pledge of Allegiance.

The National Anthem was sung by Kaleb Wells, a freshman at Pinkerton Academy in Derry and grandson of Representative Wells.

### LEAVES OF ABSENCE

Reps. Beauchesne, Belanger, George Brown, Peter Cote, Gile, Heald, Hofemann, Stephen Johnson, Jane Kelley, Laliberte, Lasky, Loll and Oliver, the day, illness.

Reps. Buxton, Charles Clark, Drisko, Donald Flanders, Hawkins, Hubbard, Sally Kelly, McGuirk, McRae, Nagle and Rochette, the day, important business.

Rep. Hutchinson, the day, illness in the family.

Rep. Pilote, the day, death in the family.

### INTRODUCTION OF GUESTS

Donna Proulx and Lizabeth Auth, guests of Rep. Francis Sullivan. Dan and Erika Wells, Trevor and Jameson Wells and Taylor Misiak, family and friend of the singer, guests of the House. Hon. Sandra Keans, former Member from Rochester, guest of the Speaker. K.A. Brett School fourth graders from Tamworth, guests of the Tamworth Delegation.

### INTRODUCTION OF SPECIAL GUESTS

The Londonderry Middle School Girls Field Hockey Team scored a total of 34 goals this season, while allowing only 6. They compiled an overall record of 12 wins, 0 losses and 1 tie on their way to winning the 2006 Class M Tri-County State Championship. They were accompanied by head coach, Heather Bouchard, daughter of Rep. Winchell, guests of the House.

The Londonderry Middle School Girls Basketball Team scored an average of 47 points per game with six games of 50 or more points. They finished the season with 14 wins and one loss while winning the 2006-2007 Class L Tri-County State Championship. They were accompanied by head coach, Andy Brown and assistant coach Russell Love, guests of the House.

### MOTION TO VACATE

Rep. Almy moved that the House vacate the reference of **HB 911**, establishing an automated external defibrillator trust fund and making an appropriation therefor, to the Committee on Ways and Means. Adopted.

The Speaker referred **HB 911** to the Committee on Finance.

### SPECIAL ORDERS - REGULAR CALENDAR

**HB 184**, repealing the parental notification law. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bette R. Lasky for the Majority of Judiciary: This bill seeks to repeal RSA 132:24-28 first enacted by HB 763, Chapter 173, Laws of 2003 and scheduled to become effective December 31, 2003. Before the effective date, Planned Parenthood of Northern New England and 3 other plaintiffs brought suit in the United States District Court for the District of New Hampshire to have the

new law declared unconstitutional and prevent it from being enforced. Since then, three courts, the United States Supreme Court, the First Circuit Court of Appeals and the Federal District Court for the District of New Hampshire have all found that RSA 132:24-28 is unconstitutional. The law has never been in effect because the State has been permanently enjoined from implementing it. The Judiciary Committee feels that this legislature should repeal this law and that no more legal or judicial resources should be expended. An unconstitutional law should not be the foundation for any further legislative action. The committee believes that the best course now is to repeal the existing law and allow this legislature, if it should so desire, to bring forth a new bill that is built on consensus, rather than demands from the courts, and that will protect a woman's right to safe and sound reproductive health. Vote 12-5.

Rep. David J. Bettencourt for the Minority of Judiciary: Proponents of the repeal cited two reasons to repeal the parental notification statute: 1. The constitutional question raised by the U.S. Supreme Court in the case of a "health emergency" when there is no time to notify a parent; and 2. If it is not repealed, it is wrong for a judge to write language to address the constitutional amendment. The Supreme Court ruled that the lower courts erred in ruling N.H.'s parental notification law wholly unconstitutional. The Court upheld the N.H. statute, but remanded the question on an emergency health exception back to the lower court. Emergency health exceptions in states required to keep data account for less than 1% of teen abortions. An amendment was presented that addressed both of these concerns. The language defining an "emergency health exception" in the amendment has already been tested by the U.S. Supreme Court in *Planned Parenthood v. Casey*, 505 U.S. 833, 112 S.Ct. 2791 (1992) – a challenge of the Pennsylvania law. The Court, in upholding *Casey*'s "emergency health exception" observed "the Pennsylvania legislature in crafting this language clearly demonstrates they know how to define an emergency health exception." There is a judicial bypass in the N.H. statute for mature teens or those in abusive situations. The proposed amendment also clarifies 24/7 access to a judge in the bypass process as well as assures confidentiality.

Rep. Wendelboe offered minority amendment (0400h).

### **Minority Amendment (0400h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the parental notification law.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition Added. Amend RSA 132:24 by inserting after paragraph V the following new paragraph:

V-a. "Medical emergency" means that condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function.

2 Medical Emergency Provision Added. RSA 132:26, I(a) is repealed and reenacted to read as follows:

(a) The attending abortion provider certifies in the pregnant minor's medical record that there exists a medical emergency, as defined in RSA 132:24, V-a; or

3 Waiver of Notice; 24-Hour Access. Amend RSA 132:26, II to read as follows:

II. If such a pregnant minor elects not to allow the notification of her parent or guardian or conservator, any judge of a court of competent jurisdiction shall, upon petition, or motion, and after an appropriate hearing, authorize an abortion provider to perform the abortion if said judge determines that the pregnant minor is mature and capable of giving informed consent to the proposed abortion. If said judge determines that the pregnant minor is not mature, or if the pregnant minor does not claim to be mature, the judge shall determine whether the performance of an abortion upon her without notification of her parent, guardian, or conservator would be in her best interests and shall authorize an abortion provider to perform the abortion without such notification if said judge concludes that the pregnant minor's best interests would be served thereby. *Access to a judge for the purposes of this paragraph shall be afforded such a pregnant minor 24 hours a day, 7 days a week. All proceedings conducted pursuant to this section shall be confidential.*

4 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill adds a medical emergency exception to the parental notification prior to abortion law. This bill also affords the pregnant minor 24-hour access to a judge for waiver of notification purposes.

Rep. Gary Richardson spoke against.

Reps. Wendelboe, Garcia, David Smith, Mooney and Mark Clark spoke in favor.

Rep. Itse requested a roll call; sufficiently seconded.

**YEAS 135 NAYS 213****YEAS 135****BELKNAP**

Boyce, Laurie  
Tilton, Franklin  
Wood, Jane

Nedeau, Stephen  
Tobin, William

Russell, David  
Wendelboe, Fran

Thomas, John  
Whalley, Michael

**CARROLL**

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Morrow, Harry

Denley, William  
Patten, Betsey

**CHESHIRE**

Butynski, William

Emerson, Susan

Johnson, Jane

**COOS**

King, Frederick

Remick, William

Stohl, Eric

Troll, John Jr

**GRAFTON**

Bulis, Lyle  
Ingbertson, Paul

Dingman, Vernon III  
Solomon, Peter

Eaton, Stephanie  
Williams, Burton

Gionet, Edmond

**HILLSBOROUGH**

Barry, Richard  
Christensen, Chris  
Crane, Elenore Casey  
Haefner, Robert  
Hunter, Bruce  
Levasseur, Nickolas  
Mooney, Maureen  
O'Neil, James  
Reeves, Sandra  
Soucy, Connie  
Ulery, Jordan

Batula, Peter  
Christiansen, Lars  
Daniels, Gary  
Haley, Robert  
Jasper, Shawn  
Manney, Pamela  
Moran, Edward  
Ober, Lynne  
Renzullo, Andrew  
Stepanek, Stephen  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Clark, Mark  
Elliott, Nancy  
Hinkle, Peyton  
Kurk, Neal  
Martineau, Jesse  
O'Brien, Michael Sr  
Ober, Russell III  
Rowe, Robert  
Sullivan, Daniel  
Villeneuve, Maurice

Brunelle, Michael  
Coughlin, Pamela  
Graham, John  
Hogan, Edith  
L'Heureux, Robert  
Matarazzo, Anthony Sr  
O'Connell, Timothy  
Price, Pamela  
Smith, David  
Tahir, Saghir  
Winters, Joel

**MERRIMACK**

Anderson, Eric

Hess, David

Humphries, Charlie

Webb, Leigh

**ROCKINGHAM**

Allen, Mary  
Bishop, Franklin  
Case, Frank  
Dumaine, Dudley  
Garcia, Marilinda  
Guthrie, Joseph  
Ingram, Russell  
Katsakiores, George  
Marsh, Michael

Baldasaro, Alfred  
Brown, C. Pennington  
Charron, Gene  
Elliott, Robert  
Garrity, James  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
McKinney, Betsy

Bedrick, Jason  
Camm, Kevin  
Devine, James  
Emiro, Frank  
Griffin, Mary  
Hopfgarten, Paul  
Itse, Daniel  
Lund, Howie  
McMahon, Charles

Bettencourt, David  
Carson, Sharon  
DiFruscia, Anthony  
Fesh, Bob  
Grote, Otto  
Howard, Doreen  
Kappler, Lawrence  
Major, Norman  
Moore, Benjamin



Nowe, Ronald  
Quandt, Matthew  
Stiles, Nancy  
Wells, Roger

Packard, Sherman  
Rausch, James  
Waterhouse, Kevin  
Weyler, Kenneth

Priestley, Anne  
Reagan, John  
Weare, Everett  
Winchell, George

Quandt, Marshall  
Sanders, Elisabeth  
Welch, David

### STRAFFORD

Berube, Roger

### SULLIVAN

Donovan, Thomas

Gagnon, Raymond

Rodeschin, Beverly

### NAYS 213

### BELKNAP

Allen, Janet  
Pilliod, James

Arsenault, Beth  
Reever, Judith

Millham, Alida

Morrison, Gail

### CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

### CHESHIRE

Allen, Peter  
Chase, William  
Hunt, John  
Pelkey, Stephen  
Sad, Tara

Burridge, Delmar  
Dunn, J. Timothy  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Weber, Lucy

Butcher, Suzanne  
Eaton, Daniel  
Mitchell, Bonnie  
Richardson, Barbara  
Weed, Charles

Butterworth, Timothy  
Espiefs, Peter  
Parkhurst, Henry  
Robertson, Timothy

### COOS

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

### GRAFTON

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine

Andersen, Gene  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon

Benn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

### HILLSBOROUGH

Beaulieu, Jane  
Chase, Claudia  
Day, Russell  
Essex, David  
Forest, Armand  
Ginsburg, Ruth  
Hall, Betty  
Holden, Randolph  
Kaelin, Michael  
Kopka, Angeline  
Long, Patrick  
Movsesian, Lori  
Shattuck, Gilman  
Spaulding, Jayne

Beck, Catriona  
Clemons, Jane  
Dokmo, Cynthia  
Farley, Michael  
Foster, Linda  
Goley, Jeffrey  
Hammond, Jill  
Irwin, Anne-Marie  
Kelley, John  
Leishman, Peter  
Mack, Ron  
Peterson, Andy  
Shaw, Barbara  
Spratt, Stephen

Bergin, Peter  
Cote, David  
Edwards, Andrew  
Fletcher, Richard  
Gargas, Carolyn  
Gorman, Mary  
Harvey, Suzanne  
Jean, Claudette  
Knowles, John  
Levesque, Melanie  
Mesa, Lily  
Reuschel, Michael  
Simon, Anthony  
Sullivan, Francis

Campbell, David  
Daler, Jennifer  
Emerton, Larry  
Fontas, Jeffrey  
Garrity, Patrick  
Hackel, Paul  
Hebert, Roger  
Judy, Jean  
Knowles, Mary Ann  
Lisle, Carolyn  
Messier, Irene  
Rosenwald, Cindy  
Smith, Sandra  
Sysyn, Mary

### MERRIMACK

Baxley, Maureen  
Brueggemann, Donald  
DeStefano, Stephen  
Greco, Vincent

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Hager, Elizabeth

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hamm, Christine

Brown, Carole  
DeJoie, John  
French, Barbara  
Kidder, David

Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Wheeler, Deborah

Lockwood, Priscilla  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Williams, Robert

MacKay, James  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary

### ROCKINGHAM

Abbott, Dennis  
Day, Judith  
Gould, Kenneth  
Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Russell, Trinka

Borden, David  
Flanders, John Sr  
Henson, John  
Lister, Charlotte  
Moody, Marcia  
Powers, James  
Serlin, Christopher

Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Johnson, Robert  
McCarthy, Linda  
Moore, Bennett  
Preston, Mark  
Snow, Richard

Casey, Kimberley  
Forsing, Robert  
Kennedy, James  
McEachern, Paul  
Nord, Susi  
Robertson, Carl  
Splaine, James

### STRAFFORD

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Wall, Janet

Brennan, William  
Browne, Brendon  
Domingo, Baldwin  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Warren, Nancy

Brown, Jennifer  
Burke, Rachel  
Fargo, Thomas  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srnc, Robert  
Watson, Robert

Brown, Julie  
Cyr, James  
Goodwin, Earle  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

### SULLIVAN

Cloutier, John  
Gottling, Suzanne  
Skinder, Carla

Converse, Larry  
Houde, Matthew

Ferland, Brenda  
Jillette, Arthur Jr

Franklin, Peter  
Nielsen, Ellen

and minority amendment (0400h) failed.

Rep. Kurk offered floor amendment (0466h).

### Floor Amendment (0466h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the parental notification law.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition Added. Amend RSA 132:24 by inserting after paragraph V the following new paragraph:

V-a. "Medical emergency" means that condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function.

2 Exceptions Added. RSA 132:26, I is repealed and reenacted to read as follows:

I. No notice shall be required under RSA 132:25 if:

(a) The attending abortion provider certifies in the pregnant minor's medical record that there exists a medical emergency;

(b) In the medical judgment of the attending physician and another licensed physician unaffiliated with the attending physician, based on the particular facts of the case before them, it is necessary to preserve the health of the mother; or

(c) The person or persons who are entitled to notice certify in writing that they have been notified.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill adds a health exception and a medical emergency exception to the parental notification law.

Rep. Dokmo spoke against.

Rep. Kurk spoke in favor.

Rep. Itse requested a roll call; sufficiently seconded.

## YEAS 129 NAYS 222

### YEAS 129

#### BELKNAP

Boyce, Laurie	Neddeau, Stephen	Russell, David	Thomas, John
Tilton, Franklin	Wendelboe, Fran	Whalley, Michael	Wood, Jane

#### CARROLL

Brown, Carolyn	Chandler, Gene	Denley, William	Knox, J. David
Martin, James	Morrow, Harry	Patten, Betsey	Stevens, Stanley

#### CHESHIRE

Butynski, William	Emerson, Susan	Johnson, Jane
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#### COOS

King, Frederick	Remick, William	Stohl, Eric	Tholl, John Jr
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#### GRAFTON

Bulis, Lyle	Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul			

#### HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Brunelle, Michael
Christensen, Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Daniels, Gary	Day, Russell	Elliott, Nancy
Emerton, Larry	Graham, John	Haefner, Robert	Haley, Robert
Hinkle, Peyton	Hogan, Edith	Hunter, Bruce	Infantine, William
Jasper, Shawn	Jeudy, Jean	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Levasseur, Nickolas	Manney, Pamela
Martineau, Jesse	Mooney, Maureen	Moran, Edward	O'Neil, James
Ober, Lynne	Ober, Russell III	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Smith, David	Soucy, Connie
Stepanek, Stephen	Sullivan, Daniel	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel	

#### MERRIMACK

Anderson, Eric	Hess, David	Humphries, Charlie	Waltz, Mary
Webb, Leigh			

#### ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Bishop, Franklin	Camm, Kevin	Carson, Sharon	Case, Frank
Charron, Gene	Devine, James	DiFruscia, Anthony	Dumaine, Dudley
Elliott, Robert	Emiro, Frank	Fesh, Bob	Forsing, Robert
Garcia, Marilinda	Garrity, James	Griffin, Mary	Headd, James
Hopfgarten, Paul	Ingram, Russell	Introne, Robert	Itse, Daniel
Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Nowe, Ronald	Packard, Sherman	Pearson, Mark	Priestley, Anne
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reagan, John
Sanders, Elisabeth	Waterhouse, Kevin	Weare, Everett	Welch, David
Wells, Roger	Weyler, Kenneth		

#### STRAFFORD

Berube, Roger

**SULLIVAN**

Gagnon, Raymond

Rodeschin, Beverly

**NAYS 222****BELKNAP**Allen, Janet  
Pilliod, JamesArsenault, Beth  
Reever, JudithMillham, Alida  
Tobin, William

Morrison, Gail

**CARROLL**Ahlgren, Christopher  
Cunningham, HowardBridgham, Robert  
Heard, Virginia

Bucu, Thomas

Butler, Edward

**CHESHIRE**Allen, Peter  
Chase, William  
Hunt, John  
Pelkey, Stephen  
Sad, TaraBurridge, Delmar  
Dunn, J. Timothy  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Weber, LucyButcher, Suzanne  
Eaton, Daniel  
Mitchell, Bonnie  
Richardson, Barbara  
Weed, CharlesButterworth, Timothy  
Espiefs, Peter  
Parkhurst, Henry  
Robertson, Timothy**COOS**Hatch, William  
Merrick, ScottIngersoll, Paul Sr  
Theberge, RobertMears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

**GRAFTON**Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Preston, PhilipAlmy, Susan  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, PeterAndersen, Gene  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon  
Williams, BurtonBenn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Pierce, David**HILLSBOROUGH**Beaulieu, Jane  
Chase, Claudia  
Dokmo, Cynthia  
Fletcher, Richard  
Gargas, Carolyn  
Gorman, Mary  
Harvey, Suzanne  
Jean, Claudette  
Knowles, Mary Ann  
Lisle, Carolyn  
Mesa, Lily  
O'Connell, Timothy  
Shattuck, Gilman  
Spaulding, JayneBeck, Catriona  
Clemons, Jane  
Edwards, Andrew  
Fontas, Jeffrey  
Garrry, Patrick  
Hackel, Paul  
Hebert, Roger  
Kaelin, Michael  
Kopka, Angeline  
Long, Patrick  
Messier, Irene  
Peterson, Andy  
Shaw, Barbara  
Spratt, StephenBergin, Peter  
Cote, David  
Essex, David  
Forest, Armand  
Ginsburg, Ruth  
Hall, Betty  
Holden, Randolph  
Kelley, John  
Leishman, Peter  
Mack, Ron  
Movsesian, Lori  
Reuschel, Michael  
Simon, Anthony  
Sullivan, FrancisCampbell, David  
Daler, Jennifer  
Farley, Michael  
Foster, Linda  
Goley, Jeffrey  
Hammond, Jill  
Irwin, Anne-Marie  
Knowles, John  
Levesque, Melanie  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Rosenwald, Cindy  
Smith, Sandra  
Sysyn, Mary**MERRIMACK**Baxley, Maureen  
Brueggemann, Donald  
DeStefano, Stephen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Williams, RobertBlanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Hager, Elizabeth  
Lockwood, Priscilla  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Yeaton, CharlesBouchard, Candace  
Davis, Frank  
Foos, Robert  
Hamm, Christine  
MacKay, James  
Porter, Margaret  
Ryan, Jim  
Wallner, MaryBrown, Carole  
DeJoie, John  
French, Barbara  
Kidder, David  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Wheeler, Deborah

**ROCKINGHAM**

Abbott, Dennis	Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline
Casey, Kimberley	Day, Judith	Flanders, John Sr	Flockhart, Eileen
Gould, Kenneth	Grote, Otto	Guthrie, Joseph	Henson, John
Howard, Doreen	Johnson, Robert	Kennedy, James	Kepner, Susan
Lister, Charlotte	Marsh, Michael	McCarthy, Linda	McEachern, Paul
McKenna, Daniel	Moody, Marcia	Moore, Bennett	Nord, Susi
Pantelakos, Laura	Powers, James	Preston, Mark	Robertson, Carl
Russell, Trinka	Serlin, Christopher	Snow, Richard	Splaine, James
Stiles, Nancy			

**STRAFFORD**

Billian, Deborah	Brennan, William	Brown, Jennifer	Brown, Julie
Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
DeChane, Marlene	Domingo, Baldwin	Fargo, Thomas	Goodwin, Earle
Grassie, Anne	Hutz, Sarah	Kaen, Naida	Knowles, William
Mickelonis, Shawn	Miller, Joseph	Perry, Robert	Rollo, Deanna
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Sprague, Dale	Srnc, Robert	Vachon, Dennis
Wall, Janet	Warren, Nancy	Watson, Robert	

**SULLIVAN**

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr
Nielsen, Ellen	Skinder, Carla		

and floor amendment (0466h) failed.

The question now being adoption of the majority committee report of Ought to Pass.  
 Reps. Ingbreton, Dumaine, Baldasaro and Ulery spoke against.  
 Reps. Itse and DiFruscia spoke against and yielded to questions.  
 Rep. Shurtleff spoke in favor.

**MOTION TO LAY ON THE TABLE**

Rep. Tahir moved that **HB 184**, repealing the parental notification law, be laid on the table.  
 Rep. Hopfgarten requested a roll call; sufficiently seconded.

**YEAS 117 NAYS 240****YEAS 117****BELKNAP**

Boyce, Laurie	Nedeau, Stephen	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Morrow, Harry	Patten, Betsey
Stevens, Stanley			

**CHESHIRE**

Emerson, Susan	Johnson, Jane	Pelkey, Stephen
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**COOS**

King, Frederick	Remick, William	Stohl, Eric
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**GRAFTON**

Bulis, Lyle	Dingman, Vernon III	Gionet, Edmond	Ingbreton, Paul
Solomon, Peter	Sorg, Gregory		

**HILLSBOROUGH**

Barry, Richard  
Christiansen, Lars  
Daniels, Gary  
Francoeur, Bea  
Hogan, Edith  
L'Heureux, Robert  
Martineau, Jesse  
Ober, Lynne  
Renzullo, Andrew  
Stepanek, Stephen

Batula, Peter  
Clark, Mark  
Day, Russell  
Haefner, Robert  
Hunter, Bruce  
Lawrence, James  
Matarazzo, Anthony Sr  
Ober, Russell III  
Rowe, Robert  
Tahir, Saghir

Bergeron, Jean-Guy  
Coughlin, Pamela  
Elliott, Nancy  
Hansen, Ryan  
Infantine, William  
Lessard, Rudy  
Mooney, Maureen  
Price, Pamela  
Soucy, Connie  
Ulery, Jordan

Christensen, Chris  
Crane, Elenore Casey  
Fletcher, Richard  
Hinkle, Peyton  
Kurk, Neal  
Manney, Pamela  
Moran, Edward  
Reeves, Sandra  
Spaulding, Jayne  
Villeneuve, Maurice

**MERRIMACK**

Hess, David

Humphries, Charlie

Reed, Dennis

**ROCKINGHAM**

Allen, Mary  
Bishop, Franklin  
DiFruscia, Anthony  
Fesh, Bob  
Gleason, John  
Introne, Robert  
Katsakiores, George  
McKinney, Betsy  
Packard, Sherman  
Quandt, Matthew  
Waterhouse, Kevin

Baldasaro, Alfred  
Camm, Kevin  
Dumaine, Dudley  
Forsing, Robert  
Griffin, Mary  
Itse, Daniel  
Katsakiores, Phyllis  
McMahon, Charles  
Pearson, Mark  
Rausch, James  
Weare, Everett

Bedrick, Jason  
Carson, Sharon  
Elliott, Robert  
Garcia, Marilinda  
Headd, James  
Johnson, Robert  
Lund, Howie  
Moore, Benjamin  
Priestley, Anne  
Reagan, John  
Welch, David

Bettencourt, David  
Devine, James  
Emiro, Frank  
Garrity, James  
Hopfgarten, Paul  
Kappler, Lawrence  
Major, Norman  
Nowe, Ronald  
Quandt, Marshall  
Sanders, Elisabeth  
Weyler, Kenneth

**STRAFFORD**

Berube, Roger

**SULLIVAN**

Rodeschin, Beverly

**NAYS 240****BELKNAP**

Allen, Janet  
Pilliod, James

Arsenault, Beth  
Reever, Judith

Millham, Alida  
Russell, David

Morrison, Gail  
Wood, Jane

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Butynski, William  
Espieffs, Peter  
Parkhurst, Henry  
Sad, Tara

Burridge, Delmar  
Chase, William  
Hunt, John  
Plika, Stanley Jr  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Lerandau, Alfred  
Richardson, Barbara  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Robertson, Timothy

**COOS**

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

Mears, Edgar  
Tholl, John Jr

Merrick, Evalyn  
Thomas, Yvonne

**GRAFTON**

Aguiar, James  
Bleyler, Ruth

Almy, Susan  
Cooney, Mary

Andersen, Gene  
Eaton, Stephanie

Benn, Bernard  
Estes, Carole

Friedrich, Carol  
Matheson, Robert  
Pierce, David

Hammond, Lee  
McLeod, Martha  
Preston, Philip

Harding, A Laurie  
Mulholland, Catherine  
Williams, Burton

Lovett, Sid  
Nordgren, Sharon

### HILLSBOROUGH

Beaulieu, Jane  
Campbell, David  
Daler, Jennifer  
Essex, David  
Foster, Linda  
Goley, Jeffrey  
Haley, Robert  
Hebert, Roger  
Jean, Claudette  
Knowles, John  
Levasseur, Nickolas  
Mack, Ron  
O'Brien, Michael Sr  
Reuschel, Michael  
Simon, Anthony  
Sullivan, Daniel  
Winters, Joel

Beck, Catriona  
Chase, Claudia  
Dokmo, Cynthia  
Farley, Michael  
Gargas, Carolyn  
Gorman, Mary  
Hall, Betty  
Holden, Randolph  
Judy, Jean  
Knowles, Mary Ann  
Levesque, Melanie  
Mesa, Lily  
O'Connell, Timothy  
Rosenwald, Cindy  
Smith, David  
Sullivan, Francis

Bergin, Peter  
Clemons, Jane  
Edwards, Andrew  
Fontas, Jeffrey  
Garrity, Patrick  
Graham, John  
Hammond, Jill  
Irwin, Anne-Marie  
Kaelin, Michael  
Kopka, Angeline  
Lisle, Carolyn  
Messier, Irene  
O'Neil, James  
Shattuck, Gilman  
Smith, Sandra  
Sysyn, Mary

Brunelle, Michael  
Cote, David  
Emerton, Larry  
Forest, Armand  
Ginsburg, Ruth  
Hackel, Paul  
Harvey, Suzanne  
Jasper, Shawn  
Kelley, John  
Leishman, Peter  
Long, Patrick  
Movsesian, Lori  
Peterson, Andy  
Shaw, Barbara  
Spratt, Stephen  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Brown, Carole  
DeJoie, John  
French, Barbara  
Kidder, David  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Baxley, Maureen  
Brueggemann, Donald  
DeStefano, Stephen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Hager, Elizabeth  
Lockwood, Priscilla  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Bouchard, Candace  
Davis, Frank  
Foote, Robert  
Hamm, Christine  
MacKay, James  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Case, Frank  
Flanders, John Sr  
Guthrie, Joseph  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Preston, Mark  
Snow, Richard  
Winchell, George

Borden, David  
Casey, Kimberley  
Flockhart, Eileen  
Henson, John  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Robertson, Carl  
Splaine, James

Brown, C. Pennington  
Charron, Gene  
Gould, Kenneth  
Howard, Doreen  
Lister, Charlotte  
McKenna, Daniel  
Pantelakos, Laura  
Russell, Trink  
Stiles, Nancy

Cali-Pitts, Jacqueline  
Day, Judith  
Grote, Otto  
Ingram, Russell  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Serlin, Christopher  
Wells, Roger

### STRAFFORD

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Mickelson, Shawn  
Rollo, Michael  
Spang, Judith  
Wall, Janet

Brennan, William  
Browne, Brendon  
Domingo, Baldwin  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Warren, Nancy

Brown, Jennifer  
Burke, Rachel  
Fargo, Thomas  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Smec, Robert  
Watson, Robert

Brown, Julie  
Cyr, James  
Goodwin, Earle  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

**SULLIVAN**

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew
Jillette, Arthur Jr	Nielsen, Ellen	Skinder, Carla	

and the motion failed.

The question now being adoption of the majority committee report of Ought to Pass.

Reps. McCarthy and Nancy Elliott spoke against.

Rep. Hager spoke in favor.

Rep. Itse requested a roll call; sufficiently seconded.

**YEAS 226 NAYS 130****YEAS 226****BELKNAP**

Allen, Janet	Arsenault, Beth	Millham, Alida	Morrison, Gail
Pilliod, James	Reever, Judith	Russell, David	Wood, Jane

**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia			

**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Chase, William	Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter
Hunt, John	Lerandean, Alfred	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

**COOS**

Hatch, William	Ingersoll, Paul Sr	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Theberge, Robert	Thomas, Yvonne	

**GRAFTON**

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie	Estes, Carole
Friedrich, Carol	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
Lovett, Sid	Matheson, Robert	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Pierce, David	Preston, Philip	Williams, Burton

**HILLSBOROUGH**

Beaulieu, Jane	Beck, Catriona	Bergin, Peter	Brunelle, Michael
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, David
Daler, Jennifer	Dokmo, Cynthia	Edwards, Andrew	Emerton, Larry
Essex, David	Farley, Michael	Fontas, Jeffrey	Forest, Armand
Foster, Linda	Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hackel, Paul	Hall, Betty
Hammond, Jill	Harvey, Suzanne	Hebert, Roger	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Judy, Jean	Kaelin, Michael
Kelley, John	Knowles, John	Knowles, Mary Ann	Kopka, Angeline
Kurk, Neal	Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie
Lisle, Carolyn	Long, Patrick	Mack, Ron	Mesa, Lily
Messier, Irene	Movsesian, Lori	O'Brien, Michael Sr	O'Connell, Timothy
Peterson, Andy	Reuschel, Michael	Rosenwald, Cindy	Shattuck, Gilman
Shaw, Barbara	Simon, Anthony	Smith, David	Smith, Sandra
Spaulding, Jayne	Spratt, Stephen	Sullivan, Francis	Sysyn, Mary
Vaillancourt, Steve	Winters, Joel		



**MERRIMACK**

Anderson, Eric  
Brown, Carole  
DeJoie, John  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Baxley, Maureen  
Brueggemann, Donald  
Ehlers, Eileen  
Hager, Elizabeth  
Lockwood, Priscilla  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Blanchard, Elizabeth  
Clarke, Claire  
Foose, Robert  
Hamm, Christine  
MacKay, James  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Bouchard, Candace  
Davis, Frank  
French, Barbara  
Kidder, David  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Case, Frank  
Gould, Kenneth  
Ingram, Russell  
Lister, Charlotte  
Moody, Marcia  
Powers, James  
Snow, Richard

Borden, David  
Casey, Kimberley  
Grote, Otto  
Johnson, Robert  
Marsh, Michael  
Moore, Bennett  
Robertson, Carl  
Splaine, James

Brown, C. Pennington  
Day, Judith  
Henson, John  
Kennedy, James  
McEachern, Paul  
Nord, Susi  
Russell, Trinkia  
Stiles, Nancy

Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Howard, Doreen  
Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Serlin, Christopher

**STRAFFORD**

Billian, Deborah  
Brown, Larry  
Domingo, Baldwin  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Warren, Nancy

Brennan, William  
Browne, Brendon  
Fargo, Thomas  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srncic, Robert  
Watson, Robert

Brown, Jennifer  
Burke, Rachel  
Goodwin, Earle  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

Brown, Julie  
DeChane, Marlene  
Grassie, Anne  
Mickelson, Shawn  
Rollo, Michael  
Spang, Judith  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Gottling, Suzanne  
Skinder, Carla

Converse, Larry  
Houde, Matthew

Ferland, Brenda  
Jillette, Arthur Jr

Franklin, Peter  
Nielsen, Ellen

**NAYS 130****BELKNAP**

Boyce, Laurie  
Tobin, William

Nedeau, Stephen  
Wendelboe, Fran

Thomas, John  
Whalley, Michael

Tilton, Franklin

**CARROLL**

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Morrow, Harry

Denley, William  
Patten, Betsey

**CHESHIRE**

Butynski, William

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

**COOS**

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Bulis, Lyle  
Sorg, Gregory

Dingman, Vernon III

Ingbretson, Paul

Solomon, Peter

**HILLSBOROUGH**

Barry, Richard  
Christiansen, Lars

Batula, Peter  
Clark, Mark

Bergeron, Jean-Guy  
Coughlin, Pamela

Christensen, Chris  
Crane, Elenore Casey

Daniels, Gary  
 Francoeur, Bea  
 Hansen, Ryan  
 Infantine, William  
 Lessard, Rudy  
 Mooney, Maureen  
 Ober, Russell III  
 Rowe, Robert  
 Tahir, Saghir

Day, Russell  
 Graham, John  
 Hinkle, Peyton  
 Jasper, Shawn  
 Manney, Pamela  
 Moran, Edward  
 Price, Pamela  
 Soucy, Connie  
 Ulery, Jordan

Elliott, Nancy  
 Haefner, Robert  
 Hogan, Edith  
 L'Heureux, Robert  
 Martineau, Jesse  
 O'Neil, James  
 Reeves, Sandra  
 Stepanek, Stephen  
 Villeneuve, Maurice

Fletcher, Richard  
 Haley, Robert  
 Hunter, Bruce  
 Lawrence, James  
 Matarazzo, Anthony Sr  
 Ober, Lynne  
 Renzullo, Andrew  
 Sullivan, Daniel

### MERRIMACK

DeStefano, Stephen

Hess, David

Humphries, Charlie

Reed, Dennis

### ROCKINGHAM

Allen, Mary  
 Bishop, Franklin  
 Devine, James  
 Emiro, Frank  
 Garcia, Marilinda  
 Guthrie, Joseph  
 Itse, Daniel  
 Lund, Howie  
 McMahon, Charles  
 Pearson, Mark  
 Quandt, Matthew  
 Waterhouse, Kevin  
 Winchell, George

Baldasaro, Alfred  
 Camm, Kevin  
 DiFruscia, Anthony  
 Fesh, Bob  
 Garrity, James  
 Headd, James  
 Kappler, Lawrence  
 Major, Norman  
 Moore, Benjamin  
 Preston, Mark  
 Rausch, James  
 Welch, David

Bedrick, Jason  
 Carson, Sharon  
 Dumaine, Dudley  
 Flanders, John Sr  
 Gleason, John  
 Hopfgarten, Paul  
 Katsakiores, George  
 McCarthy, Linda  
 Nowe, Ronald  
 Priestley, Anne  
 Reagan, John  
 Wells, Roger

Bettencourt, David  
 Charron, Gene  
 Elliott, Robert  
 Forsing, Robert  
 Griffin, Mary  
 Introne, Robert  
 Katsakiores, Phyllis  
 McKinney, Betsy  
 Packard, Sherman  
 Quandt, Marshall  
 Sanders, Elisabeth  
 Weyler, Kenneth

### STRAFFORD

Berube, Roger

Cyr, James

### SULLIVAN

Donovan, Thomas

Gagnon, Raymond

Rodeschin, Beverly

and the majority committee report was adopted.

Ordered to third reading.

Rep. Ingram voted Yea and intended to vote Nay.

Rep. Weare did not vote and notified the Clerk that he wished to be recorded against.

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, the following protest was presented to be entered in the Permanent Journal.

Whereas, HB 184, deprives children the protection of their parents and,

Whereas HB 184, repudiates the well recognized rights of parents of our state without any due process of law and,

Whereas HB 184 denigrates parental responsibility, well established in the finest traditions of this state and,

Whereas HB 184 endangers the children of this state by allowing any child of any age to undergo a surgical procedure which may result in permanent physical and emotional harm and,

Whereas HB 184 imputes incompetence, irresponsibility and ill parenting skills to all parents of this state and,

Whereas HB 184 allows children who may not drive, vote or be administered an over-the-counter medicine, without their parents' consent, and/or to undergo surgical procedures without any parental notice,

I therefore find HB 184 to be repugnant to the New Hampshire Constitution, disruptive of the protective and loving parent-child relationship, insulting to all the parents of this state, and inconsistent with the welfare and health of our children. Because of this, I am compelled to respectfully protest the action of this august House under Part II, Article 24 of the New Hampshire Constitu-

tion and request the entry of my protest concerning the New Hampshire House of Representative's action today on HB 184 in the Permanent Journal of the House as provided therein. Respectfully, Reps. James Garrity, Ahlgren, Sanders, Gionet, Tobin, Hogan, Charles McMahon, Franklin Tilton, Introne, Nowe, Benjamin Moore, Boyce, Ingbretson, Sorg, Emiro, Bergeron, Winchell, Reed, Charron, Bulis, Hinkle, Humphries, Martin, Garcia, Lund, Francoeur, Ulery, Mark Clark, Mary Allen, Rodeschin, Lars Christiansen, Camm, Itse, Carolyn Brown, Carson, Phyllis Katsakiores, Lessard, Dingman, Welch, Bettencourt, Wendelboe, Infantine, Stevens, Soucy, Jasper, Hopfgarten, Batula, Chris Christensen, Villeneuve, Bedrick, Fesh, L'Heureux, Marshall Quandt, Renzullo, Weyler, Packard, Kappler, Emerson, Russell Day, Reagan, Crane, Daniels, Hunter, Lawrence, Nancy Elliott, Lynne Ober, Bishop, Tahir, Barry, Devine, Baldasaro, Denley, Stepanek, Haefner, Pearson, Waterhouse, Heald, Mooney, John Flanders, Coughlin, Rowe, John Thomas, Forsing, Hansen, Dumaine, Ingram, Manney, Reeves, Griffin, Priestley and Guthrie.

### MOTION TO PRINT DEBATE

Rep. Rowe moved that the debate on **HB 184**, repealing the parental notification law, be printed in the Permanent Journal.

Rep. Vaillancourt spoke against.

Rep. Itse spoke in favor and yielded to questions.

Rep. Rowe requested a roll call; sufficiently seconded.

### YEAS 123 NAYS 222

#### YEAS 123

#### BELKNAP

Boyce, Laurie	Nedeau, Stephen	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	

#### CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Martin, James
Merrow, Harry	Patten, Betsey	Stevens, Stanley	

#### CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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#### COOS

King, Frederick	Remick, William	Stohl, Eric
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#### GRAFTON

Dingman, Vernon III	Gionet, Edmond	Ingbretson, Paul	Sorg, Gregory
Williams, Burton			

#### HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary
Day, Russell	Dokmo, Cynthia	Elliott, Nancy	Emerton, Larry
Fletcher, Richard	Francoeur, Bea	Graham, John	Haefner, Robert
Hansen, Ryan	Hinkle, Peyton	Hogan, Edith	Hunter, Bruce
Infantine, William	Jasper, Shawn	L'Heureux, Robert	Lawrence, James
Lessard, Rudy	Manney, Pamela	Mooney, Maureen	Moran, Edward
Ober, Lynne	Ober, Russell III	Peterson, Andy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Simon, Anthony
Soucy, Connie	Spaulding, Jayne	Stepanek, Stephen	Ulery, Jordan
Villeneuve, Maurice			

#### MERRIMACK

Anderson, Eric	Hess, David	Humphries, Charlie	Reed, Dennis
Ryan, Jim			

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Bishop, Franklin	Borden, David	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Devine, James	DiFruscia, Anthony
Dumaine, Dudley	Elliott, Robert	Emiro, Frank	Flanders, John Sr
Forsing, Robert	Garcia, Marilinda	Garrity, James	Gleason, John
Griffin, Mary	Headd, James	Hopfgarten, Paul	Introne, Robert
Itse, Daniel	Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Pearson, Mark	Preston, Mark	Priestley, Anne
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reagan, John
Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin	Welch, David
Weyler, Kenneth	Winchell, George		

**STRAFFORD**

Berube, Roger	Fargo, Thomas	Perry, Robert
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**SULLIVAN**

Donovan, Thomas	Rodeschin, Beverly
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**NAYS 222****BELKNAP**

Allen, Janet	Arsenault, Beth	Millham, Alida	Morrison, Gail
Pilliod, James	Reever, Judith	Russell, David	

**CARROLL**

Bridgman, Robert	Buco, Thomas	Cunningham, Howard	Denley, William
Heard, Virginia	Knox, J. David		

**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Lerandeau, Alfred	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

**COOS**

Hatch, William	Ingersoll, Paul Sr	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Theberge, Robert	Tholl, John Jr	Thomas, Yvonne

**GRAFTON**

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Bulis, Lyle	Cooney, Mary	Eaton, Stephanie
Estes, Carole	Friedrich, Carol	Hammond, Lee	Harding, A Laurie
Lovett, Sid	Matheson, Robert	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Pierce, David	Preston, Philip	Solomon, Peter

**HILLSBOROUGH**

Beaulieu, Jane	Beck, Catriona	Bergin, Peter	Brunelle, Michael
Campbell, David	Chase, Claudia	Christensen, Chris	Clemons, Jane
Cote, David	Daler, Jennifer	Edwards, Andrew	Essex, David
Farley, Michael	Fontas, Jeffrey	Forest, Armand	Foster, Linda
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Hackel, Paul	Hall, Betty	Hammond, Jill
Harvey, Suzanne	Hebert, Roger	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Judy, Jean	Kaelin, Michael	Kelley, John
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Kurk, Neal

Leishman, Peter  
Long, Patrick  
Mesa, Lily  
O'Neil, James  
Shattuck, Gilman  
Spratt, Stephen  
Vaillancourt, Steve

Levasseur, Nickolas  
Mack, Ron  
Messier, Irene  
Reuschel, Michael  
Shaw, Barbara  
Sullivan, Daniel  
Velez, Hector

Levesque, Melanie  
Martineau, Jesse  
Movsesian, Lori  
Rosenwald, Cindy  
Smith, David  
Sullivan, Francis  
Winters, Joel

Lisle, Carolyn  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Schulze, Joan  
Smith, Sandra  
Sysyn, Mary

### MERRIMACK

Blanchard, Elizabeth  
Clarke, Claire  
Foose, Robert  
Hamm, Christine  
MacKay, James  
Porter, Margaret  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
French, Barbara  
Kidder, David  
McMahon, Patricia  
Potter, Frances  
Tilton, Joy  
Webb, Leigh

Brown, Carole  
DeStefano, Stephen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reardon, Tara  
Tupper, Frank  
Wheeler, Deborah

Brueggemann, Donald  
Ehlers, Eileen  
Hager, Elizabeth  
Lockwood, Priscilla  
Owen, Derek  
Richardson, Gary  
Wallner, Mary  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Day, Judith  
Grote, Otto  
Johnson, Robert  
Marsh, Michael  
McKinney, Betsy  
Powers, James  
Snow, Richard

Brown, C. Pennington  
Fesh, Bob  
Henson, John  
Kennedy, James  
McCarthy, Linda  
Moody, Marcia  
Robertson, Carl  
Splaine, James

Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Howard, Doreen  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Russell, Trink

Casey, Kimberley  
Gould, Kenneth  
Ingram, Russell  
Lister, Charlotte  
McKenna, Daniel  
Pantelakos, Laura  
Serlin, Christopher

### STRAFFORD

Billian, Deborah  
Burke, Rachel  
Goodwin, Earle  
Knowles, William  
Rollo, Michael  
Spang, Judith  
Wall, Janet

Brennan, William  
Cyr, James  
Grassie, Anne  
Mickelonis, Shawn  
Rous, Emma  
Sprague, Dale  
Warren, Nancy

Brown, Larry  
DeChane, Marlene  
Hutz, Sarah  
Miller, Joseph  
Schmidt, Peter  
Snec, Robert  
Watson, Robert

Browne, Brendon  
Domingo, Baldwin  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen  
and the motion failed.

Converse, Larry  
Gottling, Suzanne  
Skinder, Carla

Ferland, Brenda  
Houde, Matthew

Franklin, Peter  
Jillette, Arthur Jr

### SPECIAL ORDERS - REGULAR CALENDAR (CONT'D)

**HB 868-FN**, relative to a surcharge on recording documents with the register of deeds to fund the land and community heritage investment program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Betsey L. Patten for the Majority of Municipal and County Government: The Land and Community Heritage Investment Program, LCHIP, is a well-established program supported by many New Hampshire citizens. HB 2, the budget trailer bill, has included budgeted funds for LCHIP for the last three years. The Governor, in his budget addresses included funding for LCHIP in the amount of \$12 million. Now, this bill is seeking funding for LCHIP through a new \$40 surcharge for each recording (or page) at the Registry of Deeds. For example, a person who goes through a real estate transaction with a three-page deed may expect to pay at least \$120 for the deed. New Hampshire has the highest real estate transfer tax in the country, and this would be an additional tax above and beyond the already high fees our citizens pay. This is a guaranteed and dedicated

cash flow for LCHIP. The majority of County Registrars of Deeds are opposed to this legislation, adding that it would be an unworkable system to administer, both cost and time-wise. While taking no direct position on the bill, the Department of Revenue Administration had several questions relating to how this tax could be implemented, including but not limited to the use of public money going to private funds with no oversight and loopholes such as transfers to spouses. While many of the majority support the goals of LCHIP, they do not agree with a dedicated funding source in our state where our constituents have many needs, including but not limited to such areas as housing and health care costs, which are also partially funded by the state but with no dedicated revenue stream. The budget process should consider all priorities and needs of our constituents and this bill is proposing to remove LCHIP from that process with a dedicated funding revenue stream. Vote 9-8.

Rep. Anthony F. Simon for the Minority of Municipal and County Government: LCHIP, as originally enacted, represents a partnership among the state, municipalities and other entities to protect priority natural, cultural and historic resources. For every dollar of state funding made available through LCHIP, on average, approximately six additional dollars have been leveraged for projects protected to date. The minority feels that LCHIP serves as a great catalyst for projects which help to preserve local identity through community master planning and the work of municipal planning boards, conservation commissions and others. LCHIP has the support of many New Hampshire residents. Despite having been in existence for merely eight years, LCHIP has had a significant impact on efforts to protect our treasured land and cultural resources. The minority believes that, although \$12 million dollars has been allocated in the governor's budget, this line item has the potential to be greatly reduced, owing to revenue predictions as well as the need to fund other critical state programs. HB 868 proposes a dedicated funding source that will provide LCHIP with a relatively consistent level of funding. HB 868 proposes generating revenues for LCHIP through a surcharge on recording documents with the register of deeds. The minority acknowledges that there are other ideas being put forward to fund the program. However, the surcharge proposed in HB 868 represents an appropriate source of funding considering the intent and purpose of LCHIP. The minority recognizes that this bill needs to be amended to address several outstanding technical issues – all of which fall within the purview of another committee. These include clarification of appropriate procedures for handling and tracking the funds that are raised, authorization of appropriate officials and offices to receive and disburse these funds and clarification that the charges to be made are based on entire documents and not on individual pages within a document. Further discussion among registers of deeds, Department of Revenue Administration officials and legislators are already underway to address the concerns raised. The minority strongly believes in the approach of this bill and is confident that it can be modified in a timely fashion to accomplish its objective. HB 868 is the long-term solution needed to identify a funding source, which has been sought in recent years, for this important program.

Reps. Kurk and Foose spoke against and yielded to questions.

Reps. Robert Elliott and Peterson spoke in favor.

Rep. Sorg requested a roll call; sufficiently seconded.

## YEAS 160 NAYS 191

### YEAS 160

#### BELKNAP

Allen, Janet	Boyce, Laurie	Millham, Alida	Nedeau, Stephen
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

#### CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Morrow, Harry	Patten, Betsey
Stevens, Stanley			

#### CHESHIRE

Eaton, Daniel	Emerson, Susan	Espieffs, Peter	Hunt, John
Johnson, Jane	Pelkey, Stephen		

**COOS**

King, Frederick  
Tholl, John Jr

Merrick, Evalyn

Remick, William

Stohl, Eric

**GRAFTON**

Andersen, Gene  
Eaton, Stephanie  
Lovett, Sid

Bleyler, Ruth  
Estes, Carole  
Mulholland, Catherine

Bulis, Lyle  
Gionet, Edmond  
Sorg, Gregory

Dingman, Vernon III  
Ingbertson, Paul  
Williams, Burton

**HILLSBOROUGH**

Barry, Richard  
Christensen, Chris  
Crane, Elenore Casey  
Emerton, Larry  
Francoeur, Bea  
Hinkle, Peyton  
Infantine, William  
Lawrence, James  
Mesa, Lily  
Ober, Russell III  
Renzullo, Andrew  
Tahir, Saghir  
Villeneuve, Maurice

Batula, Peter  
Christiansen, Lars  
Daniels, Gary  
Farley, Michael  
Gargas, Carolyn  
Hogan, Edith  
Jasper, Shawn  
Lessard, Rudy  
Mooney, Maureen  
Peterson, Andy  
Rowe, Robert  
Ulery, Jordan  
Winters, Joel

Bergeron, Jean-Guy  
Clark, Mark  
Day, Russell  
Fletcher, Richard  
Graham, John  
Holden, Randolph  
Kopka, Angeline  
Manney, Pamela  
Moran, Edward  
Price, Pamela  
Soucy, Connie  
Vaillancourt, Steve

Chase, Claudia  
Coughlin, Pamela  
Elliott, Nancy  
Forest, Armand  
Haefner, Robert  
Hunter, Bruce  
L'Heureux, Robert  
Matarazzo, Anthony Sr  
Ober, Lynne  
Reeves, Sandra  
Stepanek, Stephen  
Velez, Hector

**MERRIMACK**

Anderson, Eric  
Hamm, Christine  
MacKay, James

Blanchard, Elizabeth  
Humphries, Charlie  
Reed, Dennis

DeStefano, Stephen  
Kidder, David  
Wheeler, Deborah

Ehlers, Eileen  
Lockwood, Priscilla

**ROCKINGHAM**

Allen, Mary  
Bishop, Franklin  
Charron, Gene  
Dumaine, Dudley  
Flanders, John Sr  
Gleason, John  
Guthrie, Joseph  
Introne, Robert  
Katsakiores, Phyllis  
McKinney, Betsy  
Pearson, Mark  
Rausch, James  
Welch, David

Baldasaro, Alfred  
Camm, Kevin  
Dalrymple, David  
Elliott, Robert  
Forsing, Robert  
Gould, Kenneth  
Headd, James  
Itse, Daniel  
Lund, Howie  
McMahon, Charles  
Priestley, Anne  
Reagan, John  
Weyler, Kenneth

Bedrick, Jason  
Carson, Sharon  
Devine, James  
Emiro, Frank  
Garcia, Marilinda  
Griffin, Mary  
Hopfgarten, Paul  
Kappler, Lawrence  
Major, Norman  
Nowe, Ronald  
Quandt, Marshall  
Stiles, Nancy  
Winchell, George

Bettencourt, David  
Case, Frank  
DiFruscia, Anthony  
Fesh, Bob  
Garrity, James  
Grote, Otto  
Ingram, Russell  
Katsakiores, George  
McEachern, Paul  
Packard, Sherman  
Quandt, Matthew  
Waterhouse, Kevin

**STRAFFORD**

Billian, Deborah

Brown, Jennifer

Sprague, Dale

**SULLIVAN**

Donovan, Thomas

Ferland, Brenda

Rodeschin, Beverly

**NAYS 191****BELKNAP**

Arsenault, Beth

Morrison, Gail

Pilliod, James

Reever, Judith

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Butynski, William  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

Burridge, Delmar  
Chase, William  
Parkhurst, Henry  
Robertson, Timothy

Butcher, Suzanne  
Dunn, J. Timothy  
Plifka, Stanley Jr  
Sad, Tara

Butterworth, Timothy  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

**COOS**

Hatch, William  
Theberge, Robert

Ingersoll, Paul Sr  
Thomas, Yvonne

Mears, Edgar

Merrick, Scott

**GRAFTON**

Aguiar, James  
Friedrich, Carol  
McLeod, Martha  
Solomon, Peter

Almy, Susan  
Hammond, Lee  
Nordgren, Sharon

Benn, Bernard  
Harding, A Laurie  
Pierce, David

Cooney, Mary  
Matheson, Robert  
Preston, Philip

**HILLSBOROUGH**

Beaulieu, Jane  
Campbell, David  
Dokmo, Cynthia  
Foster, Linda  
Gorman, Mary  
Harvey, Suzanne  
Judy, Jean  
Knowles, Mary Ann  
Levesque, Melanie  
Martineau, Jesse  
O'Connell, Timothy  
Schulze, Joan  
Smith, David  
Sullivan, Daniel

Beck, Catriona  
Clemons, Jane  
Edwards, Andrew  
Garrity, Patrick  
Hackel, Paul  
Hebert, Roger  
Kaelin, Michael  
Kurk, Neal  
Lisle, Carolyn  
Messier, Irene  
O'Neil, James  
Shattuck, Gilman  
Smith, Sandra  
Sullivan, Francis

Bergin, Peter  
Cote, David  
Essex, David  
Ginsburg, Ruth  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Leishman, Peter  
Long, Patrick  
Movsesian, Lori  
Reuschel, Michael  
Shaw, Barbara  
Spaulding, Jayne  
Sysyn, Mary

Brunelle, Michael  
Daler, Jennifer  
Fontas, Jeffrey  
Goley, Jeffrey  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Levasseur, Nickolas  
Mack, Ron  
O'Brien, Michael Sr  
Rosenwald, Cindy  
Simon, Anthony  
Spratt, Stephen

**MERRIMACK**

Baxley, Maureen  
Clarke, Claire  
Greco, Vincent  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Bouchard, Candace  
Davis, Frank  
Hager, Elizabeth  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Williams, Robert

Brown, Carole  
Foose, Robert  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

Brueggemann, Donald  
French, Barbara  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary

**ROCKINGHAM**

Abbott, Dennis  
Casey, Kimberley  
Howard, Doreen  
Marsh, Michael  
Moore, Bennett  
Preston, Mark  
Serlin, Christopher

Borden, David  
Day, Judith  
Johnson, Robert  
McCarthy, Linda  
Nord, Susi  
Robertson, Carl  
Snow, Richard

Brown, C. Pennington  
Flockhart, Eileen  
Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Russell, Trink  
Splaine, James

Cali-Pitts, Jacqueline  
Henson, John  
Lister, Charlotte  
Moody, Marcia  
Powers, James  
Sanders, Elisabeth

**STRAFFORD**

Berube, Roger  
Burke, Rachel  
Fargo, Thomas  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Cyr, James  
Goodwin, Earle  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Miller, Joseph  
Rous, Emma  
Srnc, Robert  
Watson, Robert

Browne, Brendon  
Domingo, Baldwin  
Hutz, Sarah  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis



**SULLIVAN**

Cloutier, John	Converse, Larry	Franklin, Peter	Gagnon, Raymond
Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr	Nielsen, Ellen
Phinizy, James	Skinder, Carla		

and the majority committee report failed.  
Rep. Hamm voted Yea and intended to vote Nay.  
Rep. Weare did not vote and notified the Clerk that he wished to be recorded in favor.

Rep. Theberge moved Ought to Pass.

Rep. Renzullo requested a roll call; sufficiently seconded.

**YEAS 197 NAYS 157****YEAS 197****BELKNAP**

Arsenault, Beth	Morrison, Gail	Pilliod, James	Reever, Judith
Wood, Jane			

**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia			

**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Lerandeau, Alfred
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weber, Lucy
Weed, Charles			

**COOS**

Hatch, William	Ingersoll, Paul Sr	Mears, Edgar	Merrick, Scott
Theberge, Robert	Thomas, Yvonne		

**GRAFTON**

Aguir, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Estes, Carole	Friedrich, Carol	Hammond, Lee
Harding, A Laurie	Matheson, Robert	McLeod, Martha	Nordgren, Sharon
Pierce, David	Preston, Philip	Solomon, Peter	

**HILLSBOROUGH**

Beaulieu, Jane	Beck, Catriona	Bergin, Peter	Brunelle, Michael
Campbell, David	Clemons, Jane	Cote, David	Daler, Jennifer
Dokmo, Cynthia	Edwards, Andrew	Essex, David	Fontas, Jeffrey
Foster, Linda	Garrity, Patrick	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Hall, Betty	Hammond, Jill	Harvey, Suzanne
Hebert, Roger	Irwin, Anne-Marie	Jean, Claudette	Judy, Jean
Kaelin, Michael	Kelley, John	Knowles, John	Knowles, Mary Ann
Kurk, Neal	Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie
Lisle, Carolyn	Long, Patrick	Mack, Ron	Martineau, Jesse
Messier, Irene	Movsesian, Lori	O'Brien, Michael Sr	O'Connell, Timothy
O'Neil, James	Reuschel, Michael	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Simon, Anthony	Smith, David
Smith, Sandra	Spaulding, Jayne	Spratt, Stephen	Sullivan, Daniel
Sullivan, Francis	Sysyn, Mary		

**MERRIMACK**

Baxley, Maureen	Bouchard, Candace	Brown, Carole	Brueggemann, Donald
Clarke, Claire	Davis, Frank	Foose, Robert	French, Barbara

Greco, Vincent  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Hager, Elizabeth  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Hamm, Christine  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Casey, Kimberley  
Howard, Doreen  
Lister, Charlotte  
Moody, Marcia  
Powers, James  
Sanders, Elisabeth

Borden, David  
Day, Judith  
Johnson, Robert  
Marsh, Michael  
Moore, Bennett  
Preston, Mark  
Serlin, Christopher

Brown, C. Pennington  
Flockhart, Eileen  
Kennedy, James  
McCarthy, Linda  
Nord, Susi  
Robertson, Carl  
Snow, Richard

Cali-Pitts, Jacqueline  
Henson, John  
Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Russell, Trinka  
Splaine, James

### STRAFFORD

Berube, Roger  
Burke, Rachel  
Fargo, Thomas  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brennan, William  
Cyr, James  
Goodwin, Earle  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Browne, Brendon  
Domingo, Baldwin  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Smec, Robert  
Watson, Robert

### SULLIVAN

Cloutier, John  
Gottling, Suzanne  
Phinzy, James

Converse, Larry  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

Gagnon, Raymond  
Nielsen, Ellen

### NAYS 157

#### BELKNAP

Allen, Janet  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Thomas, John  
Whalley, Michael

Millham, Alida  
Tilton, Franklin

Nedeau, Stephen  
Tobin, William

### CARROLL

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Merrow, Harry

Denley, William  
Patten, Betsey

### CHESHIRE

Eaton, Daniel  
Johnson, Jane

Emerson, Susan  
Pelkey, Stephen

Espieffs, Peter

Hunt, John

### COOS

King, Frederick  
Tholl, John Jr

Merrick, Evalyn

Remick, William

Stohl, Eric

### GRAFTON

Andersen, Gene  
Gionet, Edmond  
Sorg, Gregory

Bulis, Lyle  
Ingretson, Paul  
Williams, Burton

Dingman, Vernon III  
Lovett, Sid

Eaton, Stephanie  
Mulholland, Catherine

### HILLSBOROUGH

Barry, Richard  
Christensen, Chris

Batula, Peter  
Christiansen, Lars

Bergeron, Jean-Guy  
Clark, Mark

Chase, Claudia  
Coughlin, Pamela

Crane, Elenore Casey  
Emerton, Larry  
Francoeur, Bea  
Haefner, Robert  
Hunter, Bruce  
L'Heureux, Robert  
Matarazzo, Anthony Sr  
Ober, Lynne  
Reeves, Sandra  
Stepanek, Stephen  
Velez, Hector

Daniels, Gary  
Farley, Michael  
Gargas, Carolyn  
Hinkle, Peyton  
Infantine, William  
Lawrence, James  
Mesa, Lily  
Ober, Russell III  
Renzullo, Andrew  
Tahir, Saghir  
Villeneuve, Maurice

Day, Russell  
Fletcher, Richard  
Ginsburg, Ruth  
Hogan, Edith  
Jasper, Shawn  
Lessard, Rudy  
Mooney, Maureen  
Peterson, Andy  
Rowe, Robert  
Ulery, Jordan  
Winters, Joel

Elliott, Nancy  
Forest, Armand  
Graham, John  
Holden, Randolph  
Kopka, Angeline  
Manney, Pamela  
Moran, Edward  
Price, Pamela  
Soucy, Connie  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Humphries, Charlie  
Reed, Dennis

Blanchard, Elizabeth  
Kidder, David

DeStefano, Stephen  
Lockwood, Priscilla

Ehlers, Eileen  
MacKay, James

### ROCKINGHAM

Allen, Mary  
Bishop, Franklin  
Charron, Gene  
Dumaine, Dudley  
Flanders, John Sr  
Gleason, John  
Guthrie, Joseph  
Introne, Robert  
Katsakiores, Phyllis  
McKinney, Betsy  
Pearson, Mark  
Rausch, James  
Welch, David

Baldasaro, Alfred  
Camm, Kevin  
Dalrymple, David  
Elliott, Robert  
Forsing, Robert  
Gould, Kenneth  
Headd, James  
Itse, Daniel  
Lund, Howie  
McMahon, Charles  
Priestley, Anne  
Reagan, John  
Weyler, Kenneth

Bedrick, Jason  
Carson, Sharon  
Devine, James  
Emiro, Frank  
Garcia, Marilinda  
Griffin, Mary  
Hopfgarten, Paul  
Kappler, Lawrence  
Major, Norman  
Nowe, Ronald  
Quandt, Marshall  
Stiles, Nancy  
Winchell, George

Bettencourt, David  
Case, Frank  
DiFruscia, Anthony  
Fesh, Bob  
Garrity, James  
Grote, Otto  
Ingram, Russell  
Katsakiores, George  
McEachern, Paul  
Packard, Sherman  
Quandt, Matthew  
Waterhouse, Kevin

### STRAFFORD

Billian, Deborah

Brown, Jennifer

Sprague, Dale

### SULLIVAN

Donovan, Thomas

Ferland, Brenda

Rodeschin, Beverly

and the motion was adopted.

Rep. Grote voted Nay and intended to vote Yea.

Rep. Solomon voted Yea and intended to vote Nay.

Rep. Weare did not vote and notified the Clerk that he wished to be recorded against.

Referred to the Committee on Ways and Means.

The House recessed at 1:20 p.m.

### (Speaker Norelli in the Chair)

The House reconvened at 2:30 p.m.

### SPECIAL ORDERS - REGULAR CALENDAR (CONT'D)

**HCR 4**, endorsing the placement of a New Hampshire Air Force Memorial at the veterans cemetery in Boscawen. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin T. Tilton for Public Works and Highways: The resolution as originally drafted is unnecessary and inappropriate as the Adjutant General already has the authority to approve the placement of a New Hampshire Air Force Memorial at the Veterans Cemetery in Boscawen, and he is very supportive of the ongoing efforts to do so. The amendment provides a formal recognition and expresses appreciation to New Hampshire Air Force veterans on the 60th anniversary of the United States Air Force. Vote 18-0.

**Amendment (0218h)**

Amend the title of the resolution by replacing it with the following:

A RESOLUTION recognizing the sacrifices and service of New Hampshire Air Force veterans on the 60<sup>th</sup> anniversary of the United States Air Force.

Amend the resolution by replacing all after the fifth “whereas” clause the following:

Whereas, the United States Air Force is celebrating its 60<sup>th</sup> anniversary on September 18, 2007; and

Whereas, it is fitting to honor the men and women from New Hampshire who have served our state and our country in the Air Force; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That gratitude and appreciation is hereby expressed to all New Hampshire veterans who served our state and our country in the United States Air Force.

**AMENDED ANALYSIS**

This house concurrent resolution recognizes the sacrifices and service of New Hampshire Air Force veterans on the 60<sup>th</sup> anniversary of the United States Air Force.

Rep. Franklin Tilton spoke in favor.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 52**, relative to leasing the Cannon Mountain ski area. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Donald A. Brueggemann for the Majority of Resources, Recreation and Development: This bill would establish a commission to draw up a request for proposals for the leasing of Cannon Mountain ski area. The majority believes that this is unnecessary. The Commissioner of the Dept. of Resources and Economic Development (DRED), which has jurisdiction over state parks, has made a commitment to the Resources, Recreation & Development committee to complete a business plan, with a time table for regular reports to the committee. In addition, SB 74—legislation resulting from the recent state parks study commission—calls for a master plan to be developed for all the state parks, including Franconia Notch State Park, of which Cannon is a part. A large number of New Hampshire residents expressed opposition to leasing the mountain and the committee was impressed with the dedication of employees and the mountain’s manager to making necessary improvements. For these reasons, the majority felt it was therefore premature to jump into leasing Cannon. Vote 11-8.

Rep. Chris Christensen for the Minority of Resources, Recreation and Development: The minority appreciates the commitment of the Department of Resources and Economic Development (DRED) to present a new business plan for Cannon Mountain and to bring the operation to profitability. However, we note that this approach has led to short term actions in the past, but not long term solutions. We further note that hundreds of petitioners from the Franconia area supported dramatic action for Cannon Mountain. Retaining the bill would have allowed study and amendment within a public process. It would have allowed the legislature to work in partnership with the executive branch to better resolve this problem to the benefit of the citizens of New Hampshire.

Rep. Merrow spoke against and yielded to questions.

Reps. David Russell, Stephanie Eaton and King spoke against.

Reps. Brueggemann, Aguiar and McLeod spoke in favor.

Rep. Merrow requested a roll call; sufficiently seconded.

**YEAS 220 NAYS 133**

**YEAS 220**

**BELKNAP**

Morrison, Gail

Pillioid, James

Reever, Judith

Wood, Jane

**CARROLL**

Bridgham, Robert  
 Heard, Virginia

Buco, Thomas  
 Martin, James

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butterworth, Timothy	Butynski, William
Dunn, J. Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Johnson, Jane	Lerandeau, Alfred	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

**COOS**

Hatch, William	Ingersoll, Paul Sr	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Remick, William	Theberge, Robert	Thomas, Yvonne

**GRAFTON**

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Estes, Carole	Friedrich, Carol	Hammond, Lee
Harding, A Laurie	Lovett, Sid	Matheson, Robert	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Pierce, David	Preston, Philip
Solomon, Peter			

**HILLSBOROUGH**

Beaulieu, Jane	Beck, Catriona	Brunelle, Michael	Chase, Claudia
Clemons, Jane	Cote, David	Daler, Jennifer	Dokmo, Cynthia
Edwards, Andrew	Essex, David	Farley, Michael	Fontas, Jeffrey
Forest, Armand	Foster, Linda	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hackel, Paul	Haley, Robert
Hall, Betty	Hammond, Jill	Harvey, Suzanne	Hebert, Roger
Irwin, Anne-Marie	Jean, Claudette	Jeady, Jean	Kaelin, Michael
Kelley, John	Knowles, John	Knowles, Mary Ann	Kopka, Angeline
Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn
Long, Patrick	Mack, Ron	Martineau, Jesse	Mesa, Lily
Movesian, Lori	O'Brien, Michael Sr	O'Connell, Timothy	O'Neil, James
Reuschel, Michael	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Simon, Anthony	Smith, David	Smith, Sandra
Spratt, Stephen	Sullivan, Francis	Sysyn, Mary	Velez, Hector
Winters, Joel			

**MERRIMACK**

Baxley, Maureen	Blanchard, Elizabeth	Bouchard, Candace	Brown, Carole
Brueggemann, Donald	Clarke, Claire	Davis, Frank	DeJoice, John
DeStefano, Stephen	Ehlers, Eileen	Foose, Robert	French, Barbara
Hager, Elizabeth	Hamm, Christine	Hess, David	Kidder, David
Kjellman, Eleanor Glynn	Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie
Porter, Margaret	Potter, Frances	Reardon, Tara	Richardson, Gary
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary	Walz, Mary	Webb, Leigh	Wheeler, Deborah
Williams, Robert	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Allen, Mary	Borden, David	Brown, C. Pennington
Cali-Pitts, Jacqueline	Casey, Kimberley	Day, Judith	Devine, James
DiFruscia, Anthony	Flockhart, Eileen	Grote, Otto	Headd, James
Henson, John	Howard, Doreen	Johnson, Robert	Kennedy, James
Kepner, Susan	Lister, Charlotte	Marsh, Michael	McCarthy, Linda
McEachern, Paul	McKenna, Daniel	Moody, Marcia	Moore, Bennett
Nord, Susi	Pantelakos, Laura	Powers, James	Preston, Mark
Quandt, Marshall	Quandt, Matthew	Russell, Trink	Serlin, Christopher
Snow, Richard	Splaine, James		

**STRAFFORD**

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Jennifer
Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
DeChane, Marlene	Domingo, Baldwin	Fargo, Thomas	Grassie, Anne
Hilliard, Dana	Hutz, Sarah	Kaen, Naida	Knowles, William
Mickelonis, Shawn	Miller, Joseph	Perry, Robert	Rollo, Deanna
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Sprague, Dale	Smec, Robert	Vachon, Dennis	Wall, Janet
Warren, Nancy	Watson, Robert		

**SULLIVAN**

Converse, Larry	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr
Nielsen, Ellen	Phinirzy, James	Skinder, Carla	

**NAYS 133****BELKNAP**

Allen, Janet	Boyce, Laurie	Millham, Alida	Nedeau, Stephen
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Merrow, Harry	Patten, Betsey	Stevens, Stanley

**CHESHIRE**

Butcher, Suzanne	Chase, William	Hunt, John	Pelkey, Stephen
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**COOS**

King, Frederick	Stohl, Eric	Tholl, John Jr
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**GRAFTON**

Bulis, Lyle	Cooney, Mary	Dingman, Vernon III	Eaton, Stephanie
Gionet, Edmond	Ingbretson, Paul	Sorg, Gregory	Williams, Burton

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Campbell, David	Christensen, Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary	Day, Russell
Elliott, Nancy	Emerton, Larry	Fletcher, Richard	Francoeur, Bea
Gargas, Carolyn	Graham, John	Haefner, Robert	Hinkle, Peyton
Hogan, Edith	Hunter, Bruce	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Manney, Pamela
Matarazzo, Anthony Sr	Messier, Irene	Mooney, Maureen	Moran, Edward
Ober, Lynne	Peterson, Andy	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Soucy, Connie	Spaulding, Jayne
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice			

**MERRIMACK**

Anderson, Eric	Greco, Vincent	Humphries, Charlie	MacKay, James
Reed, Dennis			

**ROCKINGHAM**

Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David	Bishop, Franklin
Camm, Kevin	Carson, Sharon	Case, Frank	Charron, Gene
Dalrymple, David	Dumaine, Dudley	Elliott, Robert	Emiro, Frank

Fesh, Bob	Flanders, John Sr	Forsing, Robert	Garcia, Marilinda
Garrity, James	Gleason, John	Gould, Kenneth	Griffin, Mary
Guthrie, Joseph	Hopfgarten, Paul	Ingram, Russell	Introne, Robert
Itse, Daniel	Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	McKinney, Betsy	McMahon, Charles
Nowe, Ronald	Packard, Sherman	Pearson, Mark	Priestley, Anne
Rausch, James	Reagan, John	Robertson, Carl	Sanders, Elisabeth
Stiles, Nancy	Waterhouse, Kevin	Weare, Everett	Welch, David
Wells, Roger	Weyler, Kenneth	Winchell, George	

### STRAFFORD

Brown, Julie

Goodwin, Earle

### SULLIVAN

Rodeschin, Beverly

and the majority committee report was adopted.

**HB 183-FN-A-L**, relative to the acquisition of a certain tract of land in the towns of Peterborough, Sharon, and Temple as a state reservation, and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan R. Kepner for the Majority of Resources, Recreation and Development: This bill provides for the acquisition by the Department of Resources and Economic Development of Temple Mountain as a state reservation. The state is being asked to bond \$535,000, or 31% of the \$1.6 million value, with the landowner donating 37% and the towns of Peterborough, Sharon and Temple and private individuals also contributing. The large number of individuals who came to support the bill underscored the commitment of the local communities to protect this gateway to the Monadnock region and a critical link in the Wapack Trail. The amendment, developed with the department, formalizes an agreement negotiated over the past three years between the department and the landowners, putting agreed-upon conditions in formal deed restrictions. There were two such conditions. First, because the mountain is a valuable hiking area and has terrain ill-suited for vehicular use, motorized vehicles would be prohibited. Second, there would be no additional cell towers. However, the landowner agreed to retain the existing one to meet communication needs for the region. The amendment also assures that this new acquisition will not impact the department's budget by stipulating that DRED cannot be required to expend money on Temple without the necessary funds being provided by any of a variety of possible sources. Vote 14-6.

Rep. Chris Christensen for the Minority of Resources, Recreation and Development: The minority fully appreciates the value of open space and conservation land. There were concerns that citizens from the three towns involved negotiated the sale, but that the town meetings had not yet approved their participation or appropriation. The amendment puts restrictions on the use of the land that are unlike those practiced on adjacent Miller State Park. Particular sore points included prohibiting motorized recreational vehicles and cell towers. We note that the owner retained that income bearing portion of the property which currently has an operating cell tower. It is difficult to justify additional purchases in the face of significant losses extant in the NH parks system.

### Majority Amendment (0299h)

Amend paragraph III of section 2 of the bill by replacing it with the following:

III. The department of resources and economic development shall not be required to develop, operate, or maintain any recreational facilities on the property unless funding for such development, operation, or maintenance is provided through state, federal, or municipal sources, private contributions, or other sources, nor shall the department be required to use any state park fund money for the purposes of development, operation, or maintenance of the Temple Mountain property.

IV. The department of resources and economic development shall not purchase the property unless it is subject to deed restrictions which prohibit the installation of telecommunications or similar towers and associated facilities on the property and which prohibit any off-road motorized vehicular recreational activities, including motorized recreational trail use.

Rep. Chris Christensen spoke against.

Rep. Gottling spoke in favor.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Parkhurst spoke against.

Rep. Irwin spoke in favor and yielded to questions.

Rep. Boyce requested a roll call; sufficiently seconded.

## YEAS 227 NAYS 128

### YEAS 227

#### BELKNAP

Arsenault, Beth  
Wood, Jane

Morrison, Gail

Pilliod, James

Reever, Judith

#### CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward  
Martin, James

Cunningham, Howard

#### CHESHIRE

Allen, Peter  
Chase, William  
Espieffs, Peter  
Richardson, Barbara  
Weed, Charles

Burridge, Delmar  
Dunn, J. Timothy  
Hunt, John  
Robertson, Timothy

Butcher, Suzanne  
Eaton, Daniel  
Lerandeau, Alfred  
Sad, Tara

Butterworth, Timothy  
Emerson, Susan  
Mitchell, Bonnie  
Weber, Lucy

#### COOS

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

#### GRAFTON

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Andersen, Gene  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon

Benn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

#### HILLSBOROUGH

Barry, Richard  
Brunelle, Michael  
Cote, David  
Dokmo, Cynthia  
Fletcher, Richard  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Infantine, William  
Kaelin, Michael  
Kopka, Angeline  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
O'Connell, Timothy  
Reuschel, Michael  
Shaw, Barbara  
Spratt, Stephen

Beaulieu, Jane  
Campbell, David  
Coughlin, Pamela  
Edwards, Andrew  
Fontas, Jeffrey  
Garrity, Patrick  
Hackel, Paul  
Hansen, Ryan  
Irwin, Anne-Marie  
Kelley, John  
Leishman, Peter  
Long, Patrick  
Messier, Irene  
Ober, Lynne  
Rosenwald, Cindy  
Simon, Anthony  
Sullivan, Francis

Beck, Catriona  
Chase, Claudia  
Daler, Jennifer  
Essex, David  
Forest, Armand  
Ginsburg, Ruth  
Haley, Robert  
Harvey, Suzanne  
Jean, Claudette  
Knowles, John  
Levasseur, Nickolas  
Mack, Ron  
Movsesian, Lori  
Peterson, Andy  
Schulze, Joan  
Smith, Sandra  
Sysyn, Mary

Bergin, Peter  
Clemons, Jane  
Day, Russell  
Farley, Michael  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Hebert, Roger  
Judy, Jean  
Knowles, Mary Ann  
Levesque, Melanie  
Martineau, Jesse  
O'Brien, Michael Sr  
Renzullo, Andrew  
Shattuck, Gilman  
Spaulding, Jayne  
Velez, Hector

#### MERRIMACK

Baxley, Maureen  
Brueggemann, Donald

Blanchard, Elizabeth  
Clarke, Claire

Bouchard, Candace  
Davis, Frank

Brown, Carole  
DeJoie, John



DeStefano, Stephen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Ehlers, Eileen  
Hager, Elizabeth  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Foose, Robert  
Hamm, Christine  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

French, Barbara  
Kidder, David  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Day, Judith  
Henson, John  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Russell, Trinkha  
Splaine, James

Borden, David  
DiFrancia, Anthony  
Howard, Doreen  
Lister, Charlotte  
McKenna, Daniel  
Pantelakos, Laura  
Sanders, Elisabeth  
Wells, Roger

Brown, C. Pennington  
Flockhart, Eileen  
Johnson, Robert  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Serlin, Christopher

Casey, Kimberley  
Guthrie, Joseph  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Robertson, Carl  
Snow, Richard

### STRAFFORD

Berube, Roger  
Brown, Julie  
Cyr, James  
Goodwin, Earle  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srnc, Robert  
Watson, Robert

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

Brennan, William  
Browne, Brendon  
Domingo, Baldwin  
Hilliard, Dana  
Mickelsonis, Shawn  
Rollo, Michael  
Spang, Judith  
Wall, Janet

Brown, Jennifer  
Burke, Rachel  
Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Warren, Nancy

### SULLIVAN

Converse, Larry  
Gottling, Suzanne  
Phinzy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

Gagnon, Raymond  
Nielsen, Ellen

### NAYS 128

### BELKNAP

Allen, Janet  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Thomas, John  
Whalley, Michael

Millham, Alida  
Tilton, Franklin

Nedeau, Stephen  
Tobin, William

### CARROLL

Ahlgren, Christopher  
Morrow, Harry

Brown, Carolyn  
Patten, Betsey

Chandler, Gene  
Stevens, Stanley

Denley, William

### CHESHIRE

Butynski, William  
Plifka, Stanley Jr

Johnson, Jane  
Roberts, Kris

Parkhurst, Henry

Pelkey, Stephen

### COOS

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

### GRAFTON

Aguiar, James  
Gionet, Edmond

Bulis, Lyle  
Ingbretson, Paul

Dingman, Vernon III  
Sorg, Gregory

Eaton, Stephanie  
Williams, Burton

### HILLSBOROUGH

Batula, Peter  
Clark, Mark

Bergeron, Jean-Guy  
Crane, Elenore Casey

Christensen, Chris  
Daniels, Gary

Christiansen, Lars  
Elliott, Nancy

Emerton, Larry	Francoeur, Bea	Graham, John	Haefner, Robert
Hinkle, Peyton	Hogan, Edith	Hunter, Bruce	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Lessard, Rudy
Manney, Pamela	Mooney, Maureen	Moran, Edward	O'Neil, James
Ober, Russell III	Price, Pamela	Reeves, Sandra	Rowe, Robert
Smith, David	Soucy, Connie	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel

**MERRIMACK**

Anderson, Eric	Hess, David	Humphries, Charlie	Lockwood, Priscilla
MacKay, James	Reed, Dennis		

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Bishop, Franklin	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
Dumaine, Dudley	Elliott, Robert	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Gleason, John
Gould, Kenneth	Griffin, Mary	Grote, Otto	Headd, James
Hopfgarten, Paul	Ingram, Russell	Introne, Robert	Itse, Daniel
Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Pearson, Mark	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reagan, John	Stiles, Nancy
Waterhouse, Kevin	Weare, Everett	Welch, David	Weyler, Kenneth
Winchell, George			

**STRAFFORD**

None

**SULLIVAN**

Ferland, Brenda Rodeschin, Beverly  
and the majority committee report was adopted.  
Referred to the Committee on Public Works and Highways.

**HB 392**, relative to the use of property held by the state of New Hampshire under an easement specifying low impact recreational use only. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne H. Gottling for the Majority of Resources, Recreation and Development: This bill addresses the problem of confusion around the use of the term "low impact recreational use." Under this bill, on any property or easement held by the state of New Hampshire which uses this term, it shall specifically mean "non-motorized recreation only." The amendment was included to assure that motorized vehicles may be used by the landowner or easement holder for an emergency or for property management. In addition, any easement in place prior to enactment of this bill remains unaffected. Vote 10-6.

Rep. Harry C. Merrow for the Minority of Resources, Recreation and Development: This bill as amended prevents the use of OHRV's as defined in RSA 215-A:1 on newly acquired property held by the state of New Hampshire or any agency of the state under an easement specifying low impact recreational use only. Currently, any restriction requested is defined by the land owner. This would put the requirement of removing an obstacle on the owner and also prevent him or her from riding on logging roads and other trails on his own property unless he or she thought to include this in the easement. This could also cut down on the number of landowners willing to give the state an easement. Although not part of this bill, what is really needed is to determine the definition of low impact.

**Majority Amendment (0379h)**

Amend the bill by replacing section 1 with the following:

1 New Section; Recreation Easements. Amend RSA 216-A by inserting after section 13 the following new section:

216-A:13-a Motorized Vehicles Prohibited. No off highway recreational vehicles as defined in RSA 215-A:1, VI shall be allowed on any property held by the state of New Hampshire or any agency of the state under an easement specifying low impact recreational use only. Nothing in this section shall prohibit the use of such vehicles by the landowner or easement holder for emergency purposes or purposes of managing the property. This section shall not apply to any such easement in existence prior to the effective date of this section.

### AMENDED ANALYSIS

This bill prohibits the use of certain motorized vehicles on property held by the state of New Hampshire under an easement specifying low impact use only, except by the landowner or easement holder for emergency or management purposes.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Merrow spoke against.

Rep. Spang spoke in favor.

Rep. Merrow requested a roll call; sufficiently seconded.

### YEAS 223 NAYS 120

#### YEAS 223

#### BELKNAP

Arsenault, Beth  
Wood, Jane

Pilliod, James

Reever, Judith

Tobin, William

#### CARROLL

Bridgham, Robert  
Martin, James

Buco, Thomas

Denley, William

Heard, Virginia

#### CHESHIRE

Allen, Peter  
Butynski, William  
Emerson, Susan  
Pelkey, Stephen  
Robertson, Timothy

Burridge, Delmar  
Chase, William  
Espiefs, Peter  
Plifka, Stanley Jr  
Sad, Tara

Butcher, Suzanne  
Dunn, J. Timothy  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris

#### COOS

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

#### GRAFTON

Aguiar, James  
Bleyler, Ruth  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

Almy, Susan  
Bulis, Lyle  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Andersen, Gene  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon  
Williams, Burton

#### HILLSBOROUGH

Barry, Richard  
Brunelle, Michael  
Cote, David  
Edwards, Andrew  
Fontas, Jeffrey  
Ginsburg, Ruth  
Hackel, Paul  
Harvey, Suzanne  
Jean, Claudette

Beaulieu, Jane  
Campbell, David  
Daler, Jennifer  
Essex, David  
Forest, Armand  
Goley, Jeffrey  
Haley, Robert  
Hebert, Roger  
Judy, Jean

Beck, Catriona  
Chase, Claudia  
Day, Russell  
Farley, Michael  
Foster, Linda  
Gorman, Mary  
Hall, Betty  
Hinkle, Peyton  
Kelley, John

Bergin, Peter  
Clemons, Jane  
Dokmo, Cynthia  
Fletcher, Richard  
Garrity, Patrick  
Graham, John  
Hammond, Jill  
Irwin, Anne-Marie  
Knowles, John

Knowles, Mary Ann  
Levesque, Melanie  
Martineau, Jesse  
Movsesian, Lori  
Reuschel, Michael  
Shaw, Barbara  
Spaulding, Jayne  
Velez, Hector

Kopka, Angeline  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Rosenwald, Cindy  
Simon, Anthony  
Spratt, Stephen

Leishman, Peter  
Long, Patrick  
Mesa, Lily  
O'Neil, James  
Schulze, Joan  
Smith, David  
Sullivan, Francis

Levasseur, Nickolas  
Mack, Ron  
Messier, Irene  
Peterson, Andy  
Shattuck, Gilman  
Smith, Sandra  
Sysyn, Mary

### MERRIMACK

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hamm, Christine  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Brown, Carole  
DeJoie, John  
French, Barbara  
Humphries, Charlie  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Bueggemann, Donald  
DeStefano, Stephen  
Greco, Vincent  
Kidder, David  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Casey, Kimberley  
Flockhart, Eileen  
Howard, Doreen  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Snow, Richard

Borden, David  
Day, Judith  
Grote, Otto  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Robertson, Carl  
Splaine, James

Brown, C. Pennington  
Devine, James  
Guthrie, Joseph  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Russell, Trinkia  
Wells, Roger

Cali-Pitts, Jacqueline  
DiFruscia, Anthony  
Henson, John  
Lister, Charlotte  
McKenna, Daniel  
Pantelakos, Laura  
Serlin, Christopher

### STRAFFORD

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Warren, Nancy

Brennan, William  
Browne, Brendon  
Domingo, Baldwin  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srncic, Robert  
Watson, Robert

Brown, Jennifer  
Burke, Rachel  
Fargo, Thomas  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

Brown, Julie  
Cyr, James  
Hilliard, Dana  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Wall, Janet

### SULLIVAN

Converse, Larry  
Houde, Matthew

Donovan, Thomas  
Jillette, Arthur Jr

Gagnon, Raymond  
Nielsen, Ellen

Gottling, Suzanne  
Skinder, Carla

### NAYS 120

#### BELKNAP

Allen, Janet  
Russell, David  
Whalley, Michael

Boyce, Laurie  
Thomas, John

Millham, Alida  
Tilton, Franklin

Nedeau, Stephen  
Wendelboe, Fran

### CARROLL

Ahlgren, Christopher  
Cunningham, Howard  
Stevens, Stanley

Brown, Carolyn  
Knox, J. David

Butler, Edward  
Morrow, Harry

Chandler, Gene  
Patten, Betsey

### CHESHIRE

Hunt, John

Johnson, Jane

Parkhurst, Henry

**COOS**

Remick, William

Stohl, Eric

Tholl, John Jr

**GRAFTON**Dingman, Vernon III  
Sorg, Gregory

Eaton, Stephanie

Gionet, Edmond

Ingbreton, Paul

**HILLSBOROUGH**Batula, Peter  
Clark, Mark  
Emerton, Larry  
Hansen, Ryan  
Jasper, Shawn  
Lessard, Rudy  
O'Connell, Timothy  
Reeves, Sandra  
Stepanek, Stephen  
Villeneuve, MauriceBergeron, Jean-Guy  
Coughlin, Pamela  
Francoeur, Bea  
Hogan, Edith  
Kurk, Neal  
Manney, Pamela  
Ober, Lynne  
Renzullo, Andrew  
Tahir, Saghir  
Winters, JoelChristensen, Chris  
Daniels, Gary  
Gargas, Carolyn  
Hunter, Bruce  
L'Heureux, Robert  
Mooney, Maureen  
Ober, Russell III  
Rowe, Robert  
Ulery, JordanChristiansen, Lars  
Elliott, Nancy  
Haefner, Robert  
Infantine, William  
Lawrence, James  
Moran, Edward  
Price, Pamela  
Soucy, Connie  
Vaillancourt, Steve**MERRIMACK**Anderson, Eric  
Reed, Dennis

Hess, David

Lockwood, Priscilla

MacKay, James

**ROCKINGHAM**Allen, Mary  
Bishop, Franklin  
Charron, Gene  
Emiro, Frank  
Garrry, James  
Headd, James  
Itse, Daniel  
Katsakiores, Phyllis  
McMahon, Charles  
Quandt, Marshall  
Waterhouse, Kevin  
Winchell, GeorgeBaldasaro, Alfred  
Camm, Kevin  
Dalrymple, David  
Fesh, Bob  
Gleason, John  
Hopfgarten, Paul  
Johnson, Robert  
Lund, Howie  
Nowe, Ronald  
Quandt, Matthew  
Weare, EverettBedrick, Jason  
Carson, Sharon  
Dumaine, Dudley  
Flanders, John Sr  
Gould, Kenneth  
Ingram, Russell  
Kappler, Lawrence  
Major, Norman  
Packard, Sherman  
Reagan, John  
Welch, DavidBettencourt, David  
Case, Frank  
Elliott, Robert  
Garcia, Marilinda  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
McKinney, Betsy  
Priestley, Anne  
Sanders, Elisabeth  
Weyler, Kenneth**STRAFFORD**

None

**SULLIVAN**

Ferland, Brenda

Phinzy, James

Rodeschin, Beverly

and the majority committee report was adopted.  
Ordered to third reading.**HB 505-FN-A**, relative to enhanced water quality monitoring for lakes and beaches. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan R. Kepner for the Majority of Resources, Recreation and Development: This bill defines "public bathing place and public beach," creates a management program and establishes a program coordinator and funding for that person. This will enable the Department of Environmental Services (DES) to monitor more beaches for e-coli and other water borne diseases. The majority supports this bill in the interests of public health and keeping our tourism economy vibrant. Vote 11-7.

Rep. Harry C. Merrow for the Minority of Resources, Recreation and Development: This bill establishes a full time position of public beach program coordinator and makes an annual appropriation of \$100,000 for the administration of it. We believe that water quality monitoring for the lakes and beaches is important. However, we believe it is currently being adequately handled by the towns and volunteer groups. If this were needed it would be better handled by part-time positions in the beach season only.

**Majority Amendment (0251h)**

Amend RSA 485-A:26-a, I as inserted by section 3 of the bill by replacing it with the following:

I. There shall be established and administered within the department of environmental services a New Hampshire public beach program. The purpose of the program is to promote public health and safety and to maintain and enhance the recreational values of New Hampshire's public beaches. Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Ahlgren spoke against.

Rep. Brueggemann spoke in favor and yielded to questions.

Rep. Kurk requested a roll call; sufficiently seconded.

**YEAS 191 NAYS 144****YEAS 191****BELKNAP**

Arsenault, Beth	Reever, Judith	Wood, Jane
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**CARROLL**

Bridgham, Robert	Buco, Thomas	Cunningham, Howard	Heard, Virginia
Martin, James			

**CHESHIRE**

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Chase, William	Dunn, J. Timothy	Eaton, Daniel	Emerson, Susan
Espiets, Peter	Johnson, Jane	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy		

**COOS**

Hatch, William	Ingersoll, Paul Sr	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Remick, William	Thomas, Yvonne	

**GRAFTON**

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Estes, Carole	Friedrich, Carol
Hammond, Lee	Harding, A Laurie	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip	Solomon, Peter		

**HILLSBOROUGH**

Beaulieu, Jane	Beck, Catriona	Campbell, David	Clemons, Jane
Cote, David	Daler, Jennifer	Dokmo, Cynthia	Edwards, Andrew
Essex, David	Farley, Michael	Fontas, Jeffrey	Forest, Armand
Foster, Linda	Garrity, Patrick	Goley, Jeffrey	Hackel, Paul
Haley, Robert	Hall, Betty	Hammond, Jill	Harvey, Suzanne
Hebert, Roger	Irwin, Anne-Marie	Jean, Claudette	Kaelin, Michael
Kelley, John	Knowles, John	Knowles, Mary Ann	Kopka, Angeline
Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn
Long, Patrick	Mack, Ron	Martineau, Jesse	Matarazzo, Anthony Sr
Mesa, Lily	Movesian, Lori	O'Brien, Michael Sr	O'Neil, James
Reuschel, Michael	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Simon, Anthony	Smith, Sandra	Spratt, Stephen
Sullivan, Francis	Sysyn, Mary		

**MERRIMACK**

Blanchard, Elizabeth	Bouchard, Candace	Brown, Carole	Brueggemann, Donald
Clarke, Claire	Davis, Frank	DeJoie, John	DeStefano, Stephen

Ehlers, Eileen  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Foose, Robert  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

French, Barbara  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Hamm, Christine  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Casey, Kimberley  
Henson, John  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Serlin, Christopher

Borden, David  
Day, Judith  
Howard, Doreen  
Lister, Charlotte  
McKenna, Daniel  
Pantelakos, Laura  
Snow, Richard

Brown, C. Pennington  
Flockhart, Eileen  
Kappler, Lawrence  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Splaine, James

Cali-Pitts, Jacqueline  
Grote, Otto  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Russell, Trinka

### STRAFFORD

Billian, Deborah  
Burke, Rachel  
Fargo, Thomas  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Cyr, James  
Hilliard, Dana  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Brown, Jennifer  
DeChane, Marlene  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Brown, Larry  
Domingo, Baldwin  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

### SULLIVAN

Converse, Larry  
Gottling, Suzanne

Donovan, Thomas  
Houde, Matthew

Franklin, Peter  
Jillette, Arthur Jr

Gagnon, Raymond  
Skinder, Carla

### NAYS 144

#### BELKNAP

Allen, Janet  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Thomas, John  
Whalley, Michael

Millham, Alida  
Tilton, Franklin

Neddeau, Stephen  
Tobin, William

### CARROLL

Ahlgren, Christopher  
Denley, William  
Stevens, Stanley

Brown, Carolyn  
Knox, J. David

Butler, Edward  
Merrow, Harry

Chandler, Gene  
Patten, Betsey

### CHESHIRE

Allen, Peter

Hunt, John

Lerandeau, Alfred

Pelkey, Stephen

### COOS

Stohl, Eric

Tholl, John Jr

### GRAFTON

Bulis, Lyle  
Sorg, Gregory

Dingman, Vernon III  
Williams, Burton

Eaton, Stephanie

Gionet, Edmond

### HILLSBOROUGH

Barry, Richard  
Chase, Claudia  
Daniels, Gary  
Fletcher, Richard  
Gorman, Mary  
Hinkle, Peyton  
Jasper, Shawn  
Lessard, Rudy

Batula, Peter  
Christensen, Chris  
Day, Russell  
Francoeur, Bea  
Graham, John  
Hogan, Edith  
Kurk, Neal  
Manney, Pamela

Bergeron, Jean-Guy  
Christiansen, Lars  
Elliott, Nancy  
Gargas, Carolyn  
Haefner, Robert  
Hunter, Bruce  
L'Heureux, Robert  
Messier, Irene

Brunelle, Michael  
Coughlin, Pamela  
Emerton, Larry  
Ginsburg, Ruth  
Hansen, Ryan  
Infantine, William  
Lawrence, James  
Mooney, Maureen

Moran, Edward  
Peterson, Andy  
Rowe, Robert  
Stepanek, Stephen  
Velez, Hector

O'Connell, Timothy  
Price, Pamela  
Smith, David  
Tahir, Saghir  
Villeneuve, Maurice

Ober, Lynne  
Reeves, Sandra  
Soucy, Connie  
Ulery, Jordan  
Winters, Joel

Ober, Russell III  
Renzullo, Andrew  
Spaulding, Jayne  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Kidder, David

Greco, Vincent  
Lockwood, Priscilla

Hess, David  
MacKay, James

Humphries, Charlie  
Reed, Dennis

### ROCKINGHAM

Allen, Mary  
Bishop, Franklin  
Charron, Gene  
Elliott, Robert  
Garcia, Marilinda  
Griffin, Mary  
Ingram, Russell  
Katsakiores, George  
McKinney, Betsy  
Priestley, Anne  
Robertson, Carl  
Welch, David

Baldasaro, Alfred  
Camm, Kevin  
Dalrymple, David  
Emiro, Frank  
Garrity, James  
Guthrie, Joseph  
Introne, Robert  
Katsakiores, Phyllis  
McMahon, Charles  
Quandt, Marshall  
Sanders, Elisabeth  
Wells, Roger

Bedrick, Jason  
Carson, Sharon  
Devine, James  
Fesh, Bob  
Gleason, John  
Headd, James  
Itse, Daniel  
Lund, Howie  
Nowe, Ronald  
Quandt, Matthew  
Waterhouse, Kevin  
Weyler, Kenneth

Bettencourt, David  
Case, Frank  
DiFruscia, Anthony  
Flanders, John Sr  
Gould, Kenneth  
Hopfgarten, Paul  
Johnson, Robert  
Major, Norman  
Packard, Sherman  
Reagan, John  
Weare, Everett  
Winchell, George

### STRAFFORD

Brown, Julie

Watson, Robert

### SULLIVAN

Ferland, Brenda  
and the majority committee report was adopted.  
Referred to the Committee on Finance.

Nielsen, Ellen

Phiniza, James

Rodeschin, Beverly

### **HB 815-FN-A**, requiring the display of boater education decals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank A. Tupper for the Majority of Resources, Recreation and Development: This bill provides an opportunity to educate out-of-state boaters regarding NH boating laws and provides urgently needed funds to three programs. With a \$20 decal, boaters receive education materials. Funds generated are distributed to the lake restoration and preservation fund, Fish and Game public access, dam maintenance fund and the navigation safety fund. The decal is required for boats normally requiring registrations in NH, which excludes canoes and kayaks. Out-of-state boaters reported as "reasonable" a parallel law in Maine requiring a \$20 fee. The amendment evenly distributes the funds raised among the three programs. Vote 16-4.

Rep. James D. Aguiar for the Minority of Resources, Recreation and Development: This bill is another example of the "nickel and dime" approach to funding an important agency of the state. Members of the minority feel that the necessary fund should come from the general fund and not this stop-gap measure. It is also noted that there are no provisions for additional staff and/or equipment to enforce this new requirement. Marine Patrol officers would be called upon to cite those out-of-state boaters for a violation. Testimony before the committee noted that the department is having a difficult time recruiting an adequate number of officers and an even more difficult time retaining them. In the opinion of the minority it is highly unlikely that this bill will produce the anticipated income.

### **Majority Amendment (0353h)**

Amend the title of the bill by replacing it with the following:

AN ACT requiring the display of boater education decals on vessels registered in other states.

Amend the bill by replacing section 2 with the following:

2 Statewide Public Boat Access Fund. Amend RSA 233-A:13 to read as follows:

233-A:13 Statewide Public Boat Access Fund Established. There is hereby established a nonlapsing statewide public boat access fund. The \$5 boat registration surcharge collected pursu-



**ROCKINGHAM**

Abbott, Dennis  
Devine, James  
Garcia, Marilinda  
Kennedy, James  
McKenna, Daniel  
Packard, Sherman  
Serlin, Christopher

Borden, David  
DiFruscia, Anthony  
Grote, Otto  
Lister, Charlotte  
McKinney, Betsy  
Pantelakos, Laura  
Snow, Richard

Brown, C. Pennington  
Elliott, Robert  
Henson, John  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Waterhouse, Kevin

Casey, Kimberley  
Flockhart, Eileen  
Howard, Doreen  
McCarthy, Linda  
Nord, Susi  
Sanders, Elisabeth

**STRAFFORD**

Billian, Deborah  
Browne, Brendon  
Domingo, Baldwin  
Kaen, Naida  
Perry, Robert  
Smith, Marjorie  
Warren, Nancy

Brennan, William  
Burke, Rachel  
Fargo, Thomas  
Knowles, William  
Rollo, Deanna  
Spang, Judith

Brown, Jennifer  
Cyr, James  
Hilliard, Dana  
Mickelsonis, Shawn  
Rous, Emma  
Sprague, Dale

Brown, Larry  
DeChane, Marlene  
Hutz, Sarah  
Miller, Joseph  
Schmidt, Peter  
Vachon, Dennis

**SULLIVAN**

Converse, Larry  
Houde, Matthew  
Skinder, Carla

Donovan, Thomas  
Jillette, Arthur Jr

Gagnon, Raymond  
Nielsen, Ellen

Gottling, Suzanne  
Phinizy, James

**NAYS 164****BELKNAP**

Allen, Janet  
Thomas, John  
Wood, Jane

Boyce, Laurie  
Tobin, William

Nedeau, Stephen  
Wendelboe, Fran

Pilliod, James  
Whalley, Michael

**CARROLL**

Bridgham, Robert  
Knox, J. David

Brown, Carolyn  
Martin, James

Chandler, Gene  
Patten, Betsey

Denley, William  
Stevens, Stanley

**CHESHIRE**

Dunn, J. Timothy  
Pelkey, Stephen

Eaton, Daniel  
Robertson, Timothy

Hunt, John

Johnson, Jane

**COOS**

Ingersoll, Paul Sr

Merrick, Scott

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Aguilar, James  
Dingman, Vernon III  
Ingbertson, Paul  
Solomon, Peter

Andersen, Gene  
Eaton, Stephanie  
Matheson, Robert  
Sorg, Gregory

Bleyler, Ruth  
Friedrich, Carol  
McLeod, Martha  
Williams, Burton

Bulis, Lyle  
Gionet, Edmond  
Nordgren, Sharon

**HILLSBOROUGH**

Barry, Richard  
Campbell, David  
Coughlin, Pamela  
Dokmo, Cynthia  
Francoeur, Bea  
Hinkle, Peyton  
Jasper, Shawn  
L'Heureux, Robert  
Levesque, Melanie  
Movsesian, Lori

Batula, Peter  
Chase, Claudia  
Crane, Elenore Casey  
Elliott, Nancy  
Ginsburg, Ruth  
Hogan, Edith  
Knowles, Mary Ann  
Lawrence, James  
Manney, Pamela  
O'Connell, Timothy

Bergeron, Jean-Guy  
Christiansen, Lars  
Daler, Jennifer  
Emerton, Larry  
Gorman, Mary  
Hunter, Bruce  
Kopka, Angeline  
Leishman, Peter  
Mooney, Maureen  
Ober, Lynne

Brunelle, Michael  
Clark, Mark  
Daniels, Gary  
Fletcher, Richard  
Hansen, Ryan  
Infantine, William  
Kurk, Neal  
Lessard, Rudy  
Moran, Edward  
Ober, Russell III

Price, Pamela  
Rowe, Robert  
Stepanek, Stephen  
Velez, Hector

Reeves, Sandra  
Smith, David  
Tahir, Saghir  
Villeneuve, Maurice

Renzullo, Andrew  
Soucy, Connie  
Ulery, Jordan  
Winters, Joel

Reuschel, Michael  
Spaulding, Jayne  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Humphries, Charlie  
Porter, Margaret

Davis, Frank  
Kidder, David  
Reed, Dennis

DeJoie, John  
Lockwood, Priscilla  
Ryan, Jim

Greco, Vincent  
Mackay, James  
Walz, Mary

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Guthrie, Joseph  
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McEachern, Paul  
Priestley, Anne  
Robertson, Carl  
Welch, David

Baldasaro, Alfred  
Cali-Pitts, Jacqueline  
Charron, Gene  
Emiro, Frank  
Gleason, John  
Headd, James  
Johnson, Robert  
Kepner, Susan  
McMahon, Charles  
Quandt, Marshall  
Russell, Trinkia  
Wells, Roger

Bedrick, Jason  
Camm, Kevin  
Dalrymple, David  
Fesh, Bob  
Gould, Kenneth  
Hopfgarten, Paul  
Kappler, Lawrence  
Lund, Howie  
Moore, Bennett  
Quandt, Matthew  
Splaine, James  
Weyler, Kenneth

Bettencourt, David  
Carson, Sharon  
Day, Judith  
Flanders, John Sr  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
Major, Norman  
Nowe, Ronald  
Reagan, John  
Weare, Everett  
Winchell, George

### STRAFFORD

Berube, Roger  
Watson, Robert

Brown, Julie

Rollo, Michael

Wall, Janet

### SULLIVAN

Ferland, Brenda  
and the majority committee report was adopted.  
Referred to the Committee on Ways and Means.

Rodeschin, Beverly

**HB 376-FN-A**, distributing certain meals and rooms tax revenues to the fish and game fund.  
**MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael G. Marsh for the Majority of Ways and Means: This legislation would have permanently assigned 4% of the general fund's meals and rooms tax revenue to the Fish and Game fund. The committee heard extensive testimony from sporting groups, conservationists, and search-and-rescue organizations about the fine work that Fish and Games does and its importance to our state's quality of life, and we support additional revenue for the department. Nevertheless, the committee believed the funding approach in this bill is inappropriate. If Fish and Game needs money from the general fund, it should seek it from the Governor and the Finance Committee, as all other departments do. The Ways and Means Committee is not in a position to judge the merits of each department's funding request. We believe permanently segregating money from the general fund is not good fiscal policy, and have resisted this in the past. Finally, the amount requested in the bill was designed to meet this biennium's deficit, and there is no reasons to believe it would be the appropriate amount in future years. Vote 15-2.

Rep. Dennis P. Vachon for the Minority of Ways and Means: There is a serious problem with a lack of sufficient funding at the N.H. Fish and Game Department. It has arisen because the agency has been self-funded since its creation in 1935, receiving just \$50,000 a year in state funds in recent years for the nongame and endangered wildlife program. We have enjoyed the services of the Fish and Game Department without cost to the state all these years because it was paid for by fees paid by hunters and anglers and some federal funds. Now our fish and wildlife agency is in trouble, because fewer people are hunting and fishing, yet we need the department's services more than ever to meet a broad range of needs. This is no time to be dismantling our first line of defense against animal-borne diseases like avian flu. The minority believes that it is the duty of the New Hampshire Legislature to keep the agencies strong that protect and serve the citizens of the state.

It would be irresponsible of us to ignore this serious situation. This bill proposes a rational, sensible solution. It allocates 4% of the state's 60% of the rooms and meals tax to the Fish and Game Department, keeping an agency strong that serves all our citizens and supports activities that bring in large amounts of rooms and meals tax and other economic activity to the state. Hunters, anglers and wildlife watchers contribute 7.4% of the rooms and meals tax – over \$14 million last year – according to the U.S. Fish and Wildlife Service. The bill would provide \$4.7 million to the Fish and Game fund each year to address the looming shortfall at the department. The bill was overwhelmingly supported at the public hearing by a standing-room-only crowd from the hunting and angling and conservation communities. Testimony went on for hours. We have all received many letters and phone calls urging us to support funding for Fish and Game, a department people care deeply about and value the services of. Allocating a portion of the rooms and meals tax is the most logical way to provide the funding that Fish and Game needs.

Reps. Vachon and David Smith spoke against.

Reps. Marsh and Davis spoke in favor.

Majority committee report adopted.

**HB 510-FN-A-L**, establishing authority for construction and regulation of casinos. **INEXPEDIENT TO LEGISLATE.**

Rep. William A. Hatch for Ways and Means: While the committee recognizes the sponsors for their efforts and commitment put into this bill to resolve a serious issue, the committee is retaining two other casino bills with many aspects of this bill in them; one bill being retained calls for a state run casino while the other considers a privately run casino. Vote 14-4.

Rep. Gionet spoke against and yielded to questions.

Rep. Weyler spoke against.

Reps. Hatch, Brunelle and Almy spoke in favor.

On a division vote, 280 members having voted in the affirmative and 47 in the negative, the committee report was adopted.

### (Rep. Foster in the Chair)

### **BILLS REMOVED FROM CONSENT CALENDAR**

**HB 419-FN-L**, relative to the cost to counties of convicted inmates awaiting sentencing in a county correctional facility. **OUGHT TO PASS.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill adds a new paragraph III to the current statute 651:4 which addresses pre-sentence investigations. There are instances where individuals are held for several months and, in some cases, for over a year while awaiting a pre-sentence investigation. Currently, the cost for holding these persons is borne by the county. As the person has already been convicted, he or she is the responsibility of the state Department of Corrections. This bill requires that after 30 days of incarceration at a county correctional facility the state will pay those expenses. Vote 14-0.

Rep. Stevens spoke in favor.

Committee report adopted.

Referred to the Committee on Finance.

**HB 488-FN-A-L**, relative to the state chief medical examiner and medico-legal death investigations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: This bill is a result of a study committee that looked at this issue extensively last fall. Members of the study committee included representatives of the Attorney General's office, Medical Examiner's office, Vital Records, administration, funeral directors, county attorneys, State Representatives and Senators. The bill repeals RSA 611, relative to medical examiners and RSA 611-A, relative to the office of chief medical examiner. The bill recodifies the responsibilities of the office of the chief medical examiner and the procedure for medico-legal death investigations in one new chapter, RSA 611-B. The party responsible for payment is also clarified. Vote 14-0.

### **Amendment (0215h)**

Amend RSA 611-B:18 as inserted by section 1 of the bill by replacing it with the following:

611-B:18 Retention and Disposal of Organs, Unidentified Remains, Body Fragments, and Body Fluids.

I. Except as provided in RSA 227-C:8-a through RSA 227-C:8-g, whenever unidentified human skeletal remains are recovered, the chief medical examiner may store the remains, release them to an educational institution, direct that they be interred in an appropriate resting place, or have them cremated in accordance with RSA 325-A. Ashes of remains cremated shall be disposed of in an appropriate manner. Human skeletal remains recovered in a cared-for cemetery shall not be subject to the provisions of this paragraph.

II. The chief medical examiner or a designated pathologist may retain body tissues or body fluids for evidence, further study, documentation, or research. Subject to RSA 651-D:3, body tissue or body fluids retained for such purposes, or those which have been recovered after the body has been released from the custody of the medical examiner, may, unless claimed in writing by the person responsible for burial, be disposed of:

- (a) According to the practices of the laboratory responsible for analysis;
- (b) By the office of the chief medical examiner; or
- (c) By the medical examiner or pathologist retaining those tissues or fluids.

III. Subject to RSA 651-D:3, the chief medical examiner may dispose of substantial body tissues that have been retained for evidence, further study, or documentation or that have been recovered after the rest of the body has been finally released, in accordance with paragraph I, unless claimed by the person responsible for burial.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

**HB 610-FN-A**, requiring the criminal justice and public safety committee to review motor vehicle fines and extending the effective date for certain motor vehicle fine reductions. **OUGHT TO PASS.** Rep. John E. Tholl for Criminal Justice and Public Safety: In 2005, motor vehicle fines were increased without a public hearing. In 2006, legislation was passed that would sunset the increases. This bill extends the sunset provision two years and requires that the Criminal Justice and Public Safety Committee review the fines and report its findings to the Speaker of the House and the Ways and Means Committee. Previously, the fines had been set without public or legislative hearings. Passage of this bill will allow legislative and public input and provide the openness in government that the public and the legislature requires. Vote 16-0.

Committee report adopted.

Referred to the Committee on Ways and Means.

**HB 752-FN**, relative to per pupil funding for charter school pupils. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Claire D. Clarke for Education: Charter schools have had a considerable amount of problems since their inception. This bill increases the funding for charter schools as they have been receiving only one third of what the average district spends per pupil. This bill raises the charter school per pupil aid for FY2008 (next year) from \$3,708 to \$4,000. The total cost to the state in the first year is \$120,000 additional funding for charter schools. As in current practice, future increases will be determined by the CPI. This bill gives a specific amount that will ensure equalized funds for charter schools. Vote 12-1.

#### Amendment (0339h)

Amend the bill by replacing all after the enacting clause with the following:

1 Charter Schools; Funding. Amend RSA 194-B:11, I(a) to read as follows:

(a) For the fiscal year beginning July 1, ~~2006, \$3,598~~ **2007, \$4,000** annual tuition.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill increases the tuition amount for charter school pupils.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

**HB 660-FN**, relative to an assistant state veterinarian. **OUGHT TO PASS.**

Rep. Richard H. Snow for Environment and Agriculture: The committee believes that the addition of a position of assistant state veterinarian will significantly enhance and expand the ability of the

Department of Agriculture, Markets and Foods to respond to current concerns about animal health issues and emergency response capabilities. The committee heard and carefully considered testimony about the increasingly complex and time consuming duties and responsibilities of our state veterinarian. The committee carefully considered the scope of these duties and responsibilities and the efforts necessary for one individual to effectively accomplish all of them. The committee heard and considered testimony about the threats to human health posed by animal diseases that are easily transmittable to humans. The committee determined, based on testimony and deliberation, that the establishment of the position of assistant state veterinarian is appropriate at this time. Vote 15-1. Committee report adopted.

Referred to the Committee on Finance.

**HB 704-FN-A**, relative to the commission on the status of men and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Carl G. Robertson for Executive Departments and Administration: This bill will eliminate the repeal of the Commission on the Status of Men and make an appropriation. It will allow the commission to continue its work bringing forward issues that currently negatively affect the male gender. The committee felt that the Commission on the Status of Men should be on a level playing field with the Commission on the Status of Women. Recent information has shed light on certain issues that put men at a distinct disadvantage culturally. A higher suicide rate, higher mortality rate, lower literacy, reading and test scores, as well as legal and family issues are areas where men are struggling. In order to be effective in bringing these issues forward and to search for solutions, the commission needs to be given support. Vote 15-1.

Committee report adopted.

Referred to the Committee on Finance.

**HB 433-FN-A**, relative to funding of fish and game department search and rescue operations. **OUGHT TO PASS.**

Rep. Carla M. Skinder for Fish and Game: The committee unanimously agreed to fund \$200,000 from the general fund. New Hampshire is the only state that performs search and rescue without money from the general fund. As everyone knows, Fish and Game has financial difficulties and currently has a deficit of \$32,538 in search and rescue. Fish and Game is able to utilize the National Guard helicopter for search and rescue at \$500/search to pay the helicrew. There are over 400 well trained and equipped volunteers that assist Fish and Game in Rescues. Between the National Guard and volunteers, Fish and Game saves a lot more than \$200,000, the amount requested. The Attorney General allows for Fish and Game to seek reimbursement for search and rescue. However, to date, only \$14,989 out of a potential \$20,893 has been collected. Vote 17-0. Rep. Abbott spoke in favor.

Committee report adopted.

Referred to the Committee on Finance.

**HB 597-FN**, relative to expenditure caps for institutional health facilities under the certificate of need law. **OUGHT TO PASS.**

Rep. Robert G. Bridgham for Health, Human Services and Elderly Affairs: This bill resets the expenditure caps above which the certificate of need process is activated for improvements in acute care facilities, nursing homes, and other health care facilities. The new cap will be \$2.1 million, adjusted annually by an appropriate inflation index. The bill increases the cap, especially for nursing homes and other health care facilities, enabling them to undertake ordinary refurbishment or minor improvements without the expense of seeking CON approval. Vote 18-0.

Committee report adopted.

Referred to the Committee on Finance.

**HB 858-FN**, relative to a discount medical plan organization. **OUGHT TO PASS.**

Rep. Trinka Russell for Health, Human Services and Elderly Affairs: This bill would enable the Department of Insurance to oversee discount medical plans to ensure that the plans are not advertised in a way that would mislead consumers to think of the plans as insurance. It also contains other consumer protections, requiring, for example, that the plans list their provider network clearly on their web site. Vote 15-1.

Committee report adopted.

Referred to the Committee on Commerce.

**HB 862-FN**, establishing an incapacitated adult fatality review committee. **OUGHT TO PASS.** Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: This bill follows an ad hoc committee regarding abuse, neglect and fatalities of incapacitated adults. New Hampshire's most vulnerable citizens, the incapacitated and elderly, may not be receiving the services necessary to provide for their safety. The purpose of this bill is to promote prevention of deaths and serious injuries of incapacitated adults. The intent is to improve services and protect, not to prosecute or find fault. The Attorney General's office supports and will house this initiative. It will be a volunteer committee and, thus, at no cost like the Child Fatality Review Committee and the Domestic Violence Fatality Committee. The disabled and elderly are valuable members of the community and have a right to be respected. We can learn a lot from studies of death that can be applied to other situations and prevention. Vote 18-0.

Rep. Whalley offered floor amendment (0465h).

#### **Floor Amendment (0465h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing an incapacitated adult fatality review committee and relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making an appropriation therefor.

Amend the bill by replacing all after section 2 with the following:

3 Purpose. It is the intention of the general court in sections 3 through 5 of this act to provide sufficient funding to the department of health and human services to ensure that persons who apply for and are eligible to receive services in the state's developmental services system receive such services without undue delay. Therefore, the general court hereby achieves its objective by reducing the time between completion of a preliminary written individual service agreement for persons who have been determined eligible for services and the allocation by the state of the funds needed to carry out the services required by the agreement to no more than 90 days.

4 New Section; Waiting List; Duration Limits. Amend RSA 171-A by inserting after section 1-c the following new section:

171-A:1-d Waiting List; Limits. The department shall provide services to eligible persons under this chapter and persons eligible for the acquired brain disorders Medicaid waiver in a timely manner. The department shall provide services in such a manner that the period between the time of completion of a preliminary written individual service agreement pursuant to RSA 171-A:12 and the allocation by the department of the funds needed to carry out the services required by the agreement shall not exceed 90 days. The department shall make quarterly reports to the oversight committee established by RSA 171-A:1-c, and the oversight committee on health and human services, established by RSA 126-A:13, on the status of the waiting list and compliance with this section.

5 Appropriation; Waiting List. The sum of \$4,100,000 in general funds together with federal matching funds for the fiscal year ending June 30, 2008 and the sum of \$11,900,000 in general funds together with federal matching funds for the fiscal year ending June 30, 2009 are hereby appropriated to the department of health and human services, for the purpose of providing services to persons with developmental disabilities and acquired brain disorders who have applied and have been determined eligible for services and who have been placed on a waiting list for such services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

6 Effective Date.

I. Section 1 of this act shall take effect January 1, 2008.

II. Section 2 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 2007.

#### **AMENDED ANALYSIS**

This bill establishes the incapacitated adult fatality review committee to study the incidence and causes of death of incapacitated adults. Under this bill, the committee shall be administratively attached to the department of justice.

This bill also requires the department of health and human services to provide services to persons with developmental disabilities and acquired brain disorders within 90 days of a preliminary written individual service agreement and makes an appropriation for the purposes of this requirement.

Reps. Charles McMahon and Whalley spoke in favor and yielded to questions.

Reps. Donovan and Rosenwald spoke against and yielded to questions.

Rep. Trinka Russell spoke against.

Rep. MacKay spoke in favor.

Rep. Whalley requested a roll call; sufficiently seconded.

## YEAS 124 NAYS 173

### YEAS 124

#### BELKNAP

Boyce, Laurie  
Pilliod, James  
Whalley, Michael

Millham, Alida  
Tilton, Franklin

Morrison, Gail  
Tobin, William

Nedeau, Stephen  
Wendelboe, Fran

#### CARROLL

Brown, Carolyn  
Merrow, Harry

Chandler, Gene  
Patten, Betsey

Denley, William  
Stevens, Stanley

Martin, James

#### CHESHIRE

Butcher, Suzanne  
Parkhurst, Henry

Emerson, Susan  
Roberts, Kris

Hunt, John

Johnson, Jane

#### COOS

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

#### GRAFTON

Bulis, Lyle  
Ingretson, Paul

Dingman, Vernon III  
Sorg, Gregory

Eaton, Stephanie  
Williams, Burton

Gionet, Edmond

#### HILLSBOROUGH

Barry, Richard  
Clark, Mark  
Elliott, Nancy  
Gargas, Carolyn  
Hinkle, Peyton  
Kurk, Neal  
Manney, Pamela  
O'Neil, James  
Rowe, Robert  
Ulery, Jordan

Batula, Peter  
Daniels, Gary  
Emerton, Larry  
Graham, John  
Hogan, Edith  
L'Heureux, Robert  
Matarazzo, Anthony Sr  
Peterson, Andy  
Soucy, Connie  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Day, Russell  
Fletcher, Richard  
Haefner, Robert  
Infantine, William  
Lawrence, James  
Mooney, Maureen  
Price, Pamela  
Spaulding, Jayne

Christiansen, Lars  
Dokmo, Cynthia  
Francoeur, Bea  
Hansen, Ryan  
Jasper, Shawn  
Lessard, Rudy  
O'Connell, Timothy  
Renzullo, Andrew  
Stepanek, Stephen

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Anderson, Eric  
Kidder, David

Blanchard, Elizabeth  
Lockwood, Priscilla

Hess, David  
MacKay, James

Humphries, Charlie

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Allen, Mary  
Borden, David  
Charron, Gene  
Elliott, Robert  
Garcia, Marilinda  
Griffin, Mary  
Hopfgarten, Paul  
Katsakiores, George  
Packard, Sherman  
Robertson, Carl  
Welch, David

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Camm, Kevin  
Dalrymple, David  
Emiro, Frank  
Garrity, James  
Grote, Otto  
Introne, Robert  
Katsakiores, Phyllis  
Priestley, Anne  
Sanders, Elisabeth  
Wells, Roger

Bedrick, Jason  
Carson, Sharon  
DiFruscia, Anthony  
Fesh, Bob  
Gleason, John  
Guthrie, Joseph  
Itse, Daniel  
Major, Norman  
Quandt, Marshall  
Waterhouse, Kevin  
Weyler, Kenneth

Bettencourt, David  
Case, Frank  
Dumaine, Dudley  
Flanders, John Sr  
Gould, Kenneth  
Headd, James  
Kappler, Lawrence  
McMahon, Charles  
Quandt, Matthew  
Weare, Everett  
Winchell, George

#### STRAFFORD

Brown, Julie

**SULLIVAN**

Rodeschin, Beverly

**NAYS 173  
BELKNAP**

Arsenault, Beth

Reever, Judith

**CARROLL**

Bridgham, Robert

Buco, Thomas

Butler, Edward

Heard, Virginia

**CHESHIRE**Burridge, Delmar  
Dunn, J. Timothy  
Mitchell, Bonnie  
Sad, TaraButterworth, Timothy  
Eaton, Daniel  
Plifka, Stanley Jr  
Weber, LucyButynski, William  
Espiefs, Peter  
Richardson, BarbaraChase, William  
Lerandeau, Alfred  
Robertson, Timothy**COOS**Hatch, William  
Merrick, ScottIngersoll, Paul Sr  
Theberge, RobertMears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

**GRAFTON**Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
Mulholland, CatherineAlmy, Susan  
Cooney, Mary  
Harding, A Laurie  
Nordgren, SharonAndersen, Gene  
Estes, Carole  
Matheson, Robert  
Preston, PhilipBenn, Bernard  
Friedrich, Carol  
McLeod, Martha  
Solomon, Peter**HILLSBOROUGH**Beaulieu, Jane  
Clemmons, Jane  
Essex, David  
Garrity, Patrick  
Hall, Betty  
Kaelin, Michael  
Kopka, Angeline  
Lisle, Carolyn  
Mesa, Lily  
Rosenwald, Cindy  
Smith, David  
Sysyn, MaryBeck, Catriona  
Cote, David  
Farley, Michael  
Ginsburg, Ruth  
Hammond, Jill  
Kelley, John  
Leishman, Peter  
Long, Patrick  
Moran, Edward  
Schulze, Joan  
Smith, Sandra  
Velez, HectorBrunelle, Michael  
Daler, Jennifer  
Fontas, Jeffrey  
Gorman, Mary  
Harvey, Suzanne  
Knowles, John  
Levasseur, Nickolas  
Mack, Ron  
Movsesian, Lori  
Shattuck, Gilman  
Spratt, Stephen  
Villeneuve, MauriceCampbell, David  
Edwards, Andrew  
Forest, Armand  
Hackel, Paul  
Irwin, Anne-Marie  
Knowles, Mary Ann  
Levesque, Melanie  
Martineau, Jesse  
Reuschel, Michael  
Simon, Anthony  
Sullivan, Francis  
Winters, Joel**MERRIMACK**Baxley, Maureen  
Clarke, Claire  
Foose, Robert  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, LeighBouchard, Candace  
Davis, Frank  
French, Barbara  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, DeborahBrown, Carole  
DeStefano, Stephen  
Hamm, Christine  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Yeaton, CharlesBrueggemann, Donald  
Ehlers, Eileen  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary**ROCKINGHAM**Abbott, Dennis  
Henson, John  
Kepner, Susan  
Moody, Marcia  
Pantelakos, Laura  
Snow, RichardBrown, C. Pennington  
Howard, Doreen  
Lister, Charlotte  
Moore, Bennett  
Powers, JamesDay, Judith  
Johnson, Robert  
McCarthy, Linda  
Nord, Susi  
Russell, TrinkFlockhart, Eileen  
Kennedy, James  
McKenna, Daniel  
Norelli, Terie  
Serlin, Christopher**STRAFFORD**Billian, Deborah  
Cyr, JamesBrown, Larry  
DeChane, MarleneBrowne, Brendon  
Fargo, ThomasBurke, Rachel  
Hilliard, Dana



Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Warren, Nancy

Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Watson, Robert

### **SULLIVAN**

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

Gagnon, Raymond  
Nielsen, Ellen

and floor amendment (0465h) failed.  
Committee report adopted.

Referred to the Committee on Judiciary.

### **MOTION TO PRINT DEBATE**

Rep. Wendelboe moved that the debate on floor amendment (0465h) to **HB 862**, establishing an incapacitated adult fatality review committee, be printed in the Permanent Journal.

Rep. Wendelboe requested a roll call; sufficiently seconded.

### **YEAS 125 NAYS 171**

#### **YEAS 125**

#### **BELKNAP**

Boyce, Laurie  
Tobin, William

Nedeau, Stephen  
Wendelboe, Fran

Pilliord, James  
Whalley, Michael

Tilton, Franklin

#### **CARROLL**

Brown, Carolyn  
Martin, James

Butler, Edward  
Patten, Betsey

Chandler, Gene  
Stevens, Stanley

Denley, William

#### **CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

#### **COOS**

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

#### **GRAFTON**

Benn, Bernard  
Friedrich, Carol  
Sorg, Gregory

Bulis, Lyle  
Gionet, Edmond  
Williams, Burton

Dingman, Vernon III  
Ingbretson, Paul

Eaton, Stephanie  
Solomon, Peter

### **HILLSBOROUGH**

Barry, Richard  
Clark, Mark  
Dokmo, Cynthia  
Francoeur, Bea  
Hansen, Ryan  
Infantine, William  
Lawrence, James  
Moran, Edward  
Price, Pamela  
Spaulding, Jayne

Batula, Peter  
Cote, David  
Elliott, Nancy  
Graham, John  
Harvey, Suzanne  
Jasper, Shawn  
Lessard, Rudy  
O'Connell, Timothy  
Renzullo, Andrew  
Stepanek, Stephen

Bergeron, Jean-Guy  
Daniels, Gary  
Emerton, Larry  
Haefner, Robert  
Hinkle, Peyton  
Kurk, Neal  
Manney, Pamela  
O'Neil, James  
Rowe, Robert  
Ulery, Jordan

Christiansen, Lars  
Day, Russell  
Fletcher, Richard  
Hall, Betty  
Hogan, Edith  
L'Heureux, Robert  
Mooney, Maureen  
Peterson, Andy  
Soucy, Connie

### **MERRIMACK**

Anderson, Eric  
Kidder, David  
Webb, Leigh

Blanchard, Elizabeth  
MacKay, James

DeStefano, Stephen  
Reardon, Tara

Humphries, Charlie  
Ryan, Jim

### **ROCKINGHAM**

Allen, Mary  
Camm, Kevin

Baldasaro, Alfred  
Carson, Sharon

Bedrick, Jason  
Case, Frank

Bettencourt, David  
Charron, Gene

Dalrymple, David  
Fesh, Bob  
Gleason, John  
Hopfgarten, Paul  
Kappler, Lawrence  
McMahon, Charles  
Quandt, Marshall  
Waterhouse, Kevin  
Weyler, Kenneth

Dumaine, Dudley  
Flockhart, Eileen  
Griffin, Mary  
Introne, Robert  
Katsakiores, George  
Norelli, Terie  
Quandt, Matthew  
Weare, Everett  
Winchell, George

Elliott, Robert  
Garcia, Marilinda  
Guthrie, Joseph  
Itse, Daniel  
Katsakiores, Phyllis  
Packard, Sherman  
Robertson, Carl  
Welch, David

Emiro, Frank  
Garrity, James  
Headd, James  
Johnson, Robert  
Major, Norman  
Priestley, Anne  
Sanders, Elisabeth  
Wells, Roger

### STRAFFORD

Brown, Julie

Fargo, Thomas

Perry, Robert

### SULLIVAN

Rodeschin, Beverly

### NAYS 171

### BELKNAP

Arsenault, Beth

Millham, Alida

Morrison, Gail

Reever, Judith

Bridgham, Robert

Buco, Thomas

Heard, Virginia

Knox, J. David

### CHESHIRE

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Roberts, Kris

Butcher, Suzanne  
Dunn, J. Timothy  
Parkhurst, Henry  
Robertson, Timothy

Butterworth, Timothy  
Eaton, Daniel  
Plifka, Stanley Jr  
Sad, Tara

Butynski, William  
Espiefs, Peter  
Richardson, Barbara  
Weber, Lucy

### COOS

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

### GRAFTON

Aguiar, James  
Cooney, Mary  
Matheson, Robert  
Preston, Philip

Almy, Susan  
Estes, Carole  
McLeod, Martha

Andersen, Gene  
Hammond, Lee  
Mulholland, Catherine

Bleyler, Ruth  
Harding, A Laurie  
Nordgren, Sharon

### HILLSBOROUGH

Beaulieu, Jane  
Clemons, Jane  
Farley, Michael  
Garrity, Patrick  
Hammond, Jill  
Knowles, John  
Levasseur, Nickolas  
Mack, Ron  
Movsesian, Lori  
Shattuck, Gilman  
Spratt, Stephen  
Velez, Hector

Beck, Catriona  
Daler, Jennifer  
Fontas, Jeffrey  
Ginsburg, Ruth  
Irwin, Anne-Marie  
Knowles, Mary Ann  
Levesque, Melanie  
Martineau, Jesse  
Reuschel, Michael  
Simon, Anthony  
Sullivan, Francis  
Villeneuve, Maurice

Brunelle, Michael  
Edwards, Andrew  
Forest, Armand  
Gorman, Mary  
Kaelin, Michael  
Kopka, Angeline  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
Rosenwald, Cindy  
Smith, David  
Sysyn, Mary  
Winters, Joel

Campbell, David  
Essex, David  
Gargas, Carolyn  
Hackel, Paul  
Kelley, John  
Leishman, Peter  
Long, Patrick  
Mesa, Lily  
Schulze, Joan  
Smith, Sandra  
Vaillancourt, Steve

### MERRIMACK

Baxley, Maureen  
Clarke, Claire  
French, Barbara  
McMahon, Patricia  
Richardson, Gary  
Wallner, Mary

Bouchard, Candace  
Davis, Frank  
Hamm, Christine  
Osborne, Jessie  
Shurtleff, Stephen  
Walz, Mary

Brown, Carole  
Ehlers, Eileen  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Tilton, Joy  
Wheeler, Deborah

Brueggemann, Donald  
Foose, Robert  
Lockwood, Priscilla  
Potter, Frances  
Tupper, Frank  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
DiFruscia, Anthony  
Henson, John  
Lister, Charlotte  
Moore, Bennett  
Russell, Trinkia

Borden, David  
Flanders, John Sr  
Howard, Doreen  
McCarthy, Linda  
Nord, Susi  
Serlin, Christopher

Brown, C. Pennington  
Gould, Kenneth  
Kennedy, James  
McKenna, Daniel  
Pantelakos, Laura  
Snow, Richard

Day, Judith  
Grote, Otto  
Kepner, Susan  
Moody, Marcia  
Powers, James

**STRAFFORD**

Billian, Deborah  
Cyr, James  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, Larry  
DeChane, Marlene  
Knowles, William  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Browne, Brendon  
Hilliard, Dana  
Mickelson, Shawn  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Burke, Rachel  
Hutz, Sarah  
Miller, Joseph  
Schmidt, Peter  
Vachon, Dennis

**SULLIVAN**

Converse, Larry  
Gottling, Suzanne  
Phinizy, James  
and the motion failed.

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

Gagnon, Raymond  
Nielsen, Ellen

**BILLS REMOVED FROM CONSENT CALENDAR (CONT'D)**

**HB 664-FN**, relative to annual dam registration and permit application fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill was initiated at the request of the Department of Environmental Services (DES) dam bureau to pay the cost of permitting and inspecting dams. It increases the application fee for new dam permits and the annual registration fee for all dams. The filing fee was increased significantly, but the committee was presented with documentation showing it was justified for the bureau's expenses for permitting and classifying new dams. The increase in annual fees is needed to increase the bureau's ability to inspect more of the state's dams to identify those in danger of failure. The importance of these inspections was highlighted by last year's floods. The amendment removed a funding mechanism for the maintenance of state owned dams based on a per-foot fee on shore land properties. There is a very urgent need to fund dam maintenance, but the committee felt this was not the most workable method. Vote 18-0.

**Amendment (0185h)**

Amend the bill by deleting sections 4-5 and renumbering the original sections 6-7 to read as 4-5, respectively.

**AMENDED ANALYSIS**

This bill increases annual dam registration and filing fees to cover the cost of inspecting existing dams and permitting the construction or reconstruction of dams.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Ways and Means.

**MOTION TO SPECIAL ORDER**

Rep. Wallner moved that the remainder of the bills on today's calendar be made Special Orders for the next session day in their regular calendar order.

Adopted.

**RESOLUTION**

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 21, 2007 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 184**, repealing the parental notification law.

**HCR 4**, recognizing the sacrifices and service of New Hampshire Air Force veterans on the 60<sup>th</sup> anniversary of the United States Air Force.

**HB 392**, relative to the use of property held by the state of New Hampshire under an easement specifying low impact recreational use only.

**UNANIMOUS CONSENT**

Rep. Rodeschin addressed the House.

**MOMENT OF SILENCE**

A moment of silence was observed in honor and memory of fallen soldier, Army Spc. Justin Rollins from Newport.

**RECESS MOTION**

Rep. Wallner moved that the House stand in recess for the purpose of introduction of bills and receiving Senate messages.

Adopted.

The House recessed at 6:45 p.m.

**RECESS**

**(Speaker Norelli in the Chair)**

**RESOLUTION**

Rep. Wallner offered the following: **RESOLVED**, that late drafting and introduction having been approved by the Rules Committee, House Bill number 2 and House Resolution number 10 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILL AND HR****First, second reading and referral**

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. (M. Smith, Straf 7: Finance)

**HR 10**, opposing President George W. Bush's Iraq policy and urging the President and Congress to take actions relative to veterans' benefits and the war in Iraq. (Splaine, Rock 16; McEachern, Rock 16: State-Federal Relations and Veterans Affairs)

**RECESS**

**(Rep. Roberts in the Chair)**

**RESOLUTION**

Rep. Patrick Garrity offered the following: **RESOLVED**, that late drafting and introduction having been approved by the Rules Committee, House Bill number 928 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 928**, relative to the Christa McAuliffe planetarium commission. (MacKay, Merr 11; Osborne, Merr 12; Janeway, Dist 7; Downing, Dist 22: Executive Departments and Administration)

**RECESS**

**(Speaker Norelli in the Chair)**

Rep. Wallner moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 9

Wednesday, March 21, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

### MOMENT OF SILENCE

A moment of silence was observed in memory of New Hampshire State Representative James Oliver.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

We come to You today with many prayers, O God, spoken and unspoken. Prayers for the future. Prayers for family members and friends. Prayers for strangers. Prayers for ourselves. Prayers for this body and the work before us today. Prayers for this state and for this country. And of these, O God, we add our special prayer for the family of Representative James Oliver, who was serving this House of Representatives for his third term when he died earlier this week. Comfort his family in their time of loss, and let his memory live on in this place. And we pray, too, for all whose lives are directly affected by war. We unite ourselves in prayer for the men and women of the armed services and their families, and for the innocent victims all wars and insurgencies claim. Bless them all, and guide us, we ask, in the quest for peace and stability. All this we ask in Your Holy name. Amen.

Rep. Bette Lasky, member from Nashua, led the Pledge of Allegiance.

The National Anthem was sung by Emilea Raymond of Amherst, a home schooled student of the Welcome Inn School of New Hampshire.

### LEAVES OF ABSENCE

Reps. Peter Cote, Jeudy, Laliberte, Lister, Pilliod, Serlin and Francis Sullivan, the day, illness.

Reps. C. Pennington Brown, Dokmo, Robert Elliott, Hess, Introne, Kidder, Scott Merrick, O'Connell, O'Keefe, Owen, Stohl and Wood, the day, important business.

Rep. James Garritty, the day, death in the family.

### INTRODUCTION OF GUESTS

Jeff and Karen Raymond, Grantham, Joel and Quincy Raymond, Carmen Sterling and Judy Sterling, family of the singer, guests of the House. Students from the Portsmouth Alternative Secondary School and Mary Moore, guests of the Portsmouth delegation. James Knowles, son of Rep. William Knowles. Rick Zeller, son-in-law of Rep. Lockwood. Steve Courchene and Buck Mercier, guests of Rep. Forest. Tristan, Jaiden, Bryeton and Lisa Evarts, Sarah and Luan Heimlich and Paige Balcom guests of Rep. Waterhouse.

### INTRODUCTION OF SPECIAL GUESTS

Recent winners of the 2006-2007 Class L Championship, the Winnacunnet High School Girls Basketball Team, accompanied by their coaching staff.

### MOTION TO SUSPEND RULES

Rep. Wallner moved that the Rules be so far suspended to allow referral to a second committee, after the deadline, of the following House Bills, if they are passed by the House today:

**HB 283**, allocating a portion of unrefunded road tolls to the dam maintenance fund.

**HB 440**, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting.

**HB 471**, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund.

Reps. Whalley and Vaillancourt spoke against.

Rep. Kurk spoke against and yielded to questions.

Rep. Wallner spoke in favor.

Rep. Itse requested a roll call; sufficiently seconded.

**YEAS 207 NAYS 141****YEAS 207****BELKNAP**

Arsenault, Beth

Morrison, Gail

Reever, Judith

**CARROLL**Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**Allen, Peter  
Butynski, William  
Espiefs, Peter  
Richardson, Barbara  
Weed, CharlesBurrige, Delmar  
Chase, William  
Lerandeau, Alfred  
Robertson, TimothyButcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Sad, TaraButterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Weber, Lucy**COOS**Ingersoll, Paul Sr  
Thomas, Yvonne

Mears, Edgar

Merrick, Evalyn

Theberge, Robert

**GRAFTON**Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Preston, PhilipAlmy, Susan  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, PeterAndersen, Gene  
Estes, Carole  
Lovett, Sid  
Nordgren, SharonBenn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Pierce, David**HILLSBOROUGH**Baroody, Benjamin  
Chase, Claudia  
Edwards, Andrew  
Forest, Armand  
Goley, Jeffrey  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
O'Neil, James  
Rosenwald, Cindy  
Smith, David  
Sysyn, MaryBeck, Catriona  
Clemons, Jane  
Essex, David  
Foster, Linda  
Gorman, Mary  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Mesa, Lily  
Pilotte, Maurice  
Schulze, Joan  
Smith, Sandra  
Velez, HectorBrunelle, Michael  
Cote, David  
Farley, Michael  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Kaelin, Michael  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Movsesian, Lori  
Reuschel, Michael  
Shaw, Barbara  
Spratt, Stephen  
Winters, JoelCampbell, David  
Daler, Jennifer  
Fontas, Jeffrey  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Katsiantonis, George  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
O'Brien, Michael Sr  
Rochette, Eric  
Shaw, Kimberly  
Sullivan, Daniel**MERRIMACK**Baxley, Maureen  
Brown, Carole  
DeJoie, John  
Gile, Mary  
Kelly, Sally  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, CharlesBeauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Greco, Vincent  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, LeighBlanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Hager, Elizabeth  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, DeborahBouchard, Candace  
Davis, Frank  
Foose, Robert  
Hamm, Christine  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert**ROCKINGHAM**Abbott, Dennis  
Day, JudithBorden, David  
Flockhart, EileenCali-Pitts, Jacqueline  
Grote, OttoCasey, Kimberley  
Henson, John

Howard, Doreen  
Marsh, Michael  
McKenna, Daniel  
Pantelakos, Laura

Johnson, Robert  
McCarthy, Linda  
Moody, Marcia  
Russell, Trinkia

Kelley, Jane  
McEachern, Paul  
Moore, Bennett  
Snow, Richard

Kepner, Susan  
McGuirk, Thomas  
Nord, Susi  
Splaine, James

### STRAFFORD

Berube, Roger  
Brown, Larry  
DeChane, Marlene  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Billian, Deborah  
Browne, Brendon  
Domingo, Baldwin  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Brennan, William  
Burke, Rachel  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Brown, George  
Cyr, James  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srnc, Robert

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

### NAYS 141

### BELKNAP

Allen, Janet  
Heald, Bruce  
Thomas, John  
Whalley, Michael

Boyce, Laurie  
Millham, Alida  
Tilton, Franklin

Clark, Charles  
Nedeau, Stephen  
Tobin, William

Flanders, Donald  
Russell, David  
Wendelboe, Fran

### CARROLL

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Morrow, Harry

Denley, William  
Patten, Betsey

### CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

### COOS

King, Frederick

Remick, William

Holl, John Jr

### GRAFTON

Bulis, Lyle  
Ingbretson, Paul

Dingman, Vernon III  
Sorg, Gregory

Eaton, Stephanie  
Williams, Burton

Gionet, Edmond

### HILLSBOROUGH

Barry, Richard  
Christensen, Chris  
Crane, Elenore Casey  
Elliott, Nancy  
Graham, John  
Hogan, Edith  
Jasper, Shawn  
Lessard, Rudy  
Mooney, Maureen  
Peterson, Andy  
Rowe, Robert  
Tahir, Saghir

Batula, Peter  
Christiansen, Lars  
Daniels, Gary  
Emerton, Larry  
Haefner, Robert  
Holden, Randolph  
Kurk, Neal  
Manney, Pamela  
Moran, Edward  
Price, Pamela  
Soucy, Connie  
Ulery, Jordan

Bergeron, Jean-Guy  
Clark, Mark  
Day, Russell  
Fletcher, Richard  
Hawkins, Ken  
Hunter, Bruce  
L'Heureux, Robert  
McRae, Karen  
Ober, Lynne  
Reeves, Sandra  
Spaulding, Jayne  
Vaillancourt, Steve

Bergin, Peter  
Coughlin, Pamela  
Drisko, Richard  
Gargas, Carolyn  
Hinkle, Peyton  
Infantine, William  
Lawrence, James  
Messier, Irene  
Ober, Russell III  
Renzullo, Andrew  
Stepanek, Stephen  
Villeneuve, Maurice

### MERRIMACK

Anderson, Eric

Humphries, Charlie

Lockwood, Priscilla

MacKay, James

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Buxton, Donald	Camm, Kevin
Carson, Sharon	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	Dumaine, Dudley	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Garcia, Marilinda	Gould, Kenneth	Griffin, Mary
Guthrie, Joseph	Headd, James	Hopfgarten, Paul	Hutchinson, Karen
Ingram, Russell	Itse, Daniel	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	Major, Norman	McKinney, Betsy
McMahon, Charles	Moore, Benjamin	Nowe, Ronald	Packard, Sherman
Priestley, Anne	Quandt, Marshall	Quandt, Matthew	Rausch, James
Reagan, John	Robertson, Carl	Sanders, Elisabeth	Waterhouse, Kevin
Weare, Everett	Welch, David	Wells, Roger	Weyler, Kenneth
Wickson, Rick	Winchell, George		

**STRAFFORD**

Brown, Julie                      Fargo, Thomas

**SULLIVAN**

Rodeschin, Beverly  
and the motion failed lacking the necessary two-thirds.

**MOTION TO SUSPEND RULES**

Rep. Whalley moved that the Rules be so far suspended to allow referral to a second committee, after the deadline, of the following House Bills, if they are passed by the House today:

**HB 283**, allocating a portion of unrefunded road tolls to the dam maintenance fund.

**HB 440**, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting.

**HB 471**, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund.

**HB 346**, establishing a defined contribution retirement option in the New Hampshire retirement system.

**HB 562**, excluding extra or special duty pay from earnable compensation in the retirement system.

**HB 594**, granting group II retirement system status to certain positions in the department of corrections.

**HB 876**, relative to eliminating the special account, changing the definition of earnable compensation, and revising the calculation of employee and employer contribution rates and cost-of-living adjustments in the retirement system, and assigning all new employees to group I.

**HB 567**, relative to lowering the legal drinking age.

**HB 577**, establishing the number of associate justices of the superior court.

**HB 762**, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed places.

**HB 666**, establishing a license fee for the sale of animal vaccines.

**HB 828**, relative to a state ethics officer.

**HB 514**, relative to the applicable minimum wage for hourly employees.

**HB 366**, relative to work on Thanksgiving and Christmas Day.

**HB 223**, requiring the general court to hold sessions in the evening or on Saturday.

**HB 665**, relative to the comprehensive shoreland protection act.

**HB 857**, relative to permitting responsibilities under the comprehensive shoreland protection act.

**HB 873**, establishing minimum renewable standards for energy portfolios.

**HB 880**, requiring the department of resources and economic development to implement a feasibility study for the production of alternative forms of energy using natural resources of the state of New Hampshire and making an appropriation therefor.

**HB 602**, relative to child support enforcement.

**HB 578**, providing a definition of an adequate education and establishing an adequacy board.

**HB 865**, relative to an adequate education and state education grants.

**HB 753**, relative to the electronic toll collection transponder inventory fund.



Rep. Whalley spoke in favor.

Rep. Marjorie Smith spoke against.

Rep. Whalley withdrew the motion.

### MOTION TO SUSPEND RULES

Rep. Wallner moved that the Rules be so far suspended to allow referral to a second committee, after the deadline, of the following House Bills, if they are passed by the House today and any bill including the following list still in committee which will need referral to a second committee:

**HB 283**, allocating a portion of unrefunded road tolls to the dam maintenance fund.

**HB 440**, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting.

**HB 471**, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund.

**HB 346**, establishing a defined contribution retirement option in the New Hampshire retirement system.

**HB 562**, excluding extra or special duty pay from earnable compensation in the retirement system.

**HB 594**, granting group II retirement system status to certain positions in the department of corrections.

**HB 876**, relative to eliminating the special account, changing the definition of earnable compensation, and revising the calculation of employee and employer contribution rates and cost-of-living adjustments in the retirement system, and assigning all new employees to group I.

**HB 567**, relative to lowering the legal drinking age.

**HB 577**, establishing the number of associate justices of the superior court.

**HB 762**, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed places.

**HB 666**, establishing a license fee for the sale of animal vaccines.

**HB 828**, relative to a state ethics officer.

**HB 514**, relative to the applicable minimum wage for hourly employees.

**HB 366**, relative to work on Thanksgiving and Christmas Day.

**HB 223**, requiring the general court to hold sessions in the evening or on Saturday.

**HB 665**, relative to the comprehensive shoreland protection act.

**HB 857**, relative to permitting responsibilities under the comprehensive shoreland protection act.

**HB 873**, establishing minimum renewable standards for energy portfolios.

**HB 880**, requiring the department of resources and economic development to implement a feasibility study for the production of alternative forms of energy using natural resources of the state of New Hampshire and making an appropriation therefor.

**HB 602**, relative to child support enforcement.

**HB 578**, providing a definition of an adequate education and establishing an adequacy board.

**HB 865**, relative to an adequate education and state education grants.

**HB 753**, relative to the electronic toll collection transponder inventory fund.

**HB 498**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department.

Motion adopted by the necessary two-thirds.

### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Gionet moved that the House reconsider its action whereby the House on March 7, 2007, on a roll call vote of 226-130, adopted the Majority Committee Report of Ought to Pass on **HB 184**, repealing the parental notification law.

Rep. Gionet spoke in favor.

### MOTION TO LIMIT DEBATE

Rep. McKinney moved that debate on the motion to reconsider action taken on **HB 184**, repealing the parental notification law, be limited to 10 minutes on each side, including questions.

Rep. Wendelboe requested a roll call; sufficiently seconded.

**YEAS 245 NAYS 106**

**YEAS 245**

**BELKNAP**

Allen, Janet  
Morrison, Gail  
Tobin, William

Arsenault, Beth  
Nedeau, Stephen

Boyce, Laurie  
Reever, Judith

Millham, Alida  
Russell, David

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward  
Morrow, Harry

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Richardson, Barbara  
Weber, Lucy

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Roberts, Kris  
Weed, Charles

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Robertson, Timothy

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Sad, Tara

**COOS**

Ingersoll, Paul Sr  
Remick, William

King, Frederick  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

**GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Andersen, Gene  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon  
Williams, Burton

Benn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Cote, David  
Essex, David  
Forest, Armand  
Ginsburg, Ruth  
Hall, Betty  
Irwin, Anne-Marie  
Katsiantonis, George  
Kopka, Angeline  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily  
Ober, Lynne  
Reuschel, Michael  
Shattuck, Gilman  
Smith, Sandra  
Velez, Hector

Barry, Richard  
Campbell, David  
Daler, Jennifer  
Farley, Michael  
Foster, Linda  
Goley, Jeffrey  
Hammond, Jill  
Jasper, Shawn  
Kelley, John  
Lasky, Bette  
Levesque, Melanie  
Marshall, Seth  
Movesian, Lori  
Ober, Russell III  
Rochette, Eric  
Shaw, Barbara  
Spratt, Stephen  
Winters, Joel

Beck, Catriona  
Chase, Claudia  
Daniels, Gary  
Fletcher, Richard  
Gargas, Carolyn  
Hackel, Paul  
Harvey, Suzanne  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Lisle, Carolyn  
Martineau, Jesse  
O'Brien, Michael Sr  
Peterson, Andy  
Rosenwald, Cindy  
Shaw, Kimberly  
Sullivan, Daniel

Bergin, Peter  
Clemons, Jane  
Edwards, Andrew  
Fontas, Jeffrey  
Garrity, Patrick  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Knowles, Mary Ann  
Lessard, Rudy  
Long, Patrick  
McRae, Karen  
O'Neil, James  
Pilotte, Maurice  
Schulze, Joan  
Smith, David  
Sysyn, Mary

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
Foose, Robert  
Hamm, Christine  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Beauchesne, Suzanne  
Clarke, Claire  
Gile, Mary  
Kelly, Sally  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Blanchard, Elizabeth  
Davis, Frank  
Greco, Vincent  
Lockwood, Priscilla  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Brown, Carole  
Ehlers, Eileen  
Hager, Elizabeth  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

**ROCKINGHAM**

Abbott, Dennis  
Casey, Kimberley  
Emiro, Frank  
Grote, Otto

Allen, Mary  
Charron, Gene  
Fesh, Bob  
Henson, John

Borden, David  
Day, Judith  
Flockhart, Eileen  
Howard, Doreen

Case, Frank  
Devine, James  
Gould, Kenneth  
Hutchinson, Karen

Kappler, Lawrence  
McCarthy, Linda  
McKinney, Betsy  
Packard, Sherman  
Robertson, Carl  
Stiles, Nancy

Kelley, Jane  
McEachern, Paul  
Moody, Marcia  
Pantelakos, Laura  
Russell, Trinka  
Welch, David

Kepner, Susan  
McGuirk, Thomas  
Moore, Bennett  
Rausch, James  
Sanders, Elisabeth  
Weyler, Kenneth

Marsh, Michael  
McKenna, Daniel  
Nord, Susi  
Reagan, John  
Snow, Richard  
Winchell, George

### STRAFFORD

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srnc, Robert

Brennan, William  
Browne, Brendon  
Domingo, Baldwin  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, George  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Brown, Julie  
Cyr, James  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr  
Skinder, Carla

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Rodeschin, Beverly

### NAYS 106

### BELKNAP

Clark, Charles  
Tilton, Franklin

Flanders, Donald  
Wendelboe, Fran

Heald, Bruce  
Whalley, Michael

Thomas, John

### CARROLL

Ahlgren, Christopher  
Martin, James

Brown, Carolyn  
Patten, Betsey

Chandler, Gene  
Stevens, Stanley

Denley, William

### CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

### COOS

Troll, John Jr

### GRAFTON

Bulis, Lyle  
Ingbreton, Paul

Dingman, Vernon III  
Sorg, Gregory

Eaton, Stephanie

Gionet, Edmond

### HILLSBOROUGH

Batula, Peter  
Clark, Mark  
Drisko, Richard  
Graham, John  
Hogan, Edith  
Kurk, Neal  
Messier, Irene  
Reeves, Sandra  
Spaulding, Jayne  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Coughlin, Pamela  
Elliott, Nancy  
Haefner, Robert  
Holden, Randolph  
L'Heureux, Robert  
Mooney, Maureen  
Renzullo, Andrew  
Stepanek, Stephen  
Villeneuve, Maurice

Christensen, Chris  
Crane, Elenore Casey  
Emerton, Larry  
Hawkins, Ken  
Hunter, Bruce  
Lawrence, James  
Moran, Edward  
Rowe, Robert  
Tahir, Saghir

Christiansen, Lars  
Day, Russell  
Gorman, Mary  
Hinkle, Peyton  
Infantine, William  
Manney, Pamela  
Price, Pamela  
Soucy, Connie  
Ulery, Jordan

### MERRIMACK

Anderson, Eric

DeJoie, John

Humphries, Charlie

MacKay, James

### ROCKINGHAM

Baldasaro, Alfred  
Bishop, Franklin

Bedrick, Jason  
Buxton, Donald

Belanger, Ronald  
Cali-Pitts, Jacqueline

Bettencourt, David  
Camm, Kevin

Carson, Sharon  
Flanders, John Sr  
Guthrie, Joseph  
Itse, Daniel  
Lund, Howie  
Nowe, Ronald  
Splaine, James  
Wickson, Rick

Dalrymple, David  
Garcia, Marilinda  
Headd, James  
Johnson, Robert  
Major, Norman  
Priestley, Anne  
Waterhouse, Kevin

DiFruscia, Anthony  
Gleason, John  
Hopfgarten, Paul  
Katsakiores, George  
McMahon, Charles  
Quandt, Marshall  
Weare, Everett

Dumaine, Dudley  
Griffin, Mary  
Ingram, Russell  
Katsakiores, Phyllis  
Moore, Benjamin  
Quandt, Matthew  
Wells, Roger

### STRAFFORD

Berube, Roger

Watson, Robert

### SULLIVAN

None

and the motion was adopted.

The question now being adoption of the motion to reconsider **HB 184**, repealing the parental notification law.

Rep. Lasky spoke against.

Reps. Nancy Elliott, Baldasaro, Emerson, Dumaine and Wendelboe spoke in favor.

Rep. Gionet requested a roll call; sufficiently seconded.

### YEAS 141 NAYS 217

#### YEAS 141

#### BELKNAP

Boyce, Laurie  
Nedeau, Stephen  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Flanders, Donald  
Thomas, John  
Whalley, Michael

Heald, Bruce  
Tilton, Franklin

#### CARROLL

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Morrow, Harry

Denley, William  
Patten, Betsey

#### CHESHIRE

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

#### COOS

King, Frederick

Remick, William

Tholl, John Jr

#### GRAFTON

Bulis, Lyle  
Ingbretson, Paul

Dingman, Vernon III  
Solomon, Peter

Eaton, Stephanie  
Sorg, Gregory

Gionet, Edmond  
Williams, Burton

#### HILLSBOROUGH

Barry, Richard  
Christiansen, Lars  
Daniels, Gary  
Fletcher, Richard  
Hansen, Ryan  
Holden, Randolph  
Kurk, Neal  
Manney, Pamela  
O'Neil, James  
Price, Pamela  
Schulze, Joan  
Sullivan, Daniel  
Velez, Hector

Batula, Peter  
Clark, Mark  
Day, Russell  
Francoeur, Bea  
Hawkins, Ken  
Hunter, Bruce  
L'Heureux, Robert  
McRae, Karen  
Ober, Lynne  
Reeves, Sandra  
Soucy, Connie  
Tahir, Saghir  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Coughlin, Pamela  
Elliott, Nancy  
Gargas, Carolyn  
Hinkle, Peyton  
Infantine, William  
Lawrence, James  
Mooney, Maureen  
Ober, Russell III  
Renzullo, Andrew  
Spaulding, Jayne  
Ulery, Jordan

Christensen, Chris  
Crane, Elenore Casey  
Emerton, Larry  
Haefner, Robert  
Hogan, Edith  
Jasper, Shawn  
Lessard, Rudy  
Moran, Edward  
Pilotte, Maurice  
Rowe, Robert  
Stepanek, Stephen  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric	Humphries, Charlie	MacKay, James
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**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Buxton, Donald	Camm, Kevin
Carson, Sharon	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	DiFruscia, Anthony	Dumaine, Dudley	Emiro, Frank
Fesh, Bob	Garcia, Marilinda	Gleason, John	Griffin, Mary
Guthrie, Joseph	Headd, James	Hopfgarten, Paul	Hutchinson, Karen
Ingram, Russell	Itse, Daniel	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	Major, Norman	McKinney, Betsy
McMahon, Charles	Moore, Benjamin	Nowe, Ronald	Packard, Sherman
Priestley, Anne	Quandt, Marshall	Quandt, Matthew	Rausch, James
Reagan, John	Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin
Weare, Everett	Welch, David	Wells, Roger	Weyler, Kenneth
Wickson, Rick	Winchell, George		

**STRAFFORD**

Berube, Roger	Hofemann, Roland
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**SULLIVAN**

Donovan, Thomas	Rodeschin, Beverly
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**NAYS 217****BELKNAP**

Allen, Janet	Arsenault, Beth	Millham, Alida	Morrison, Gail
Reever, Judith			

**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia			

**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Hunt, John	Lerandeau, Alfred	Mitchell, Bonnie
Parkhurst, Henry	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

**COOS**

Hatch, William	Ingersoll, Paul Sr	Mears, Edgar	Merrick, Evalyn
Theberge, Robert	Thomas, Yvonne		

**GRAFTON**

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Estes, Carole	Friedrich, Carol
Hammond, Lee	Harding, A Laurie	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip			

**HILLSBOROUGH**

Baroody, Benjamin	Beck, Catriona	Bergin, Peter	Brunelle, Michael
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, David
Daler, Jennifer	Edwards, Andrew	Essex, David	Farley, Michael
Fontas, Jeffrey	Forest, Armand	Foster, Linda	Garrity, Patrick
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Graham, John
Hackel, Paul	Haley, Robert	Hall, Betty	Hammond, Jill

Harvey, Suzanne  
Kaelin, Michael  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Messier, Irene  
Reuschel, Michael  
Shaw, Barbara  
Smith, Sandra

Hebert, Roger  
Katsiantonis, George  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
Movsesian, Lori  
Rochette, Eric  
Shaw, Kimberly  
Spratt, Stephen

Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
O'Brien, Michael Sr  
Rosenwald, Cindy  
Simon, Anthony  
Sysyn, Mary

Jean, Claudette  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Mesa, Lily  
Peterson, Andy  
Shattuck, Gilman  
Smith, David  
Winters, Joel

### MERRIMACK

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kelly, Sally  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
Lockwood, Priscilla  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Day, Judith  
Grote, Otto  
Kelley, Jane  
McEachern, Paul  
Moore, Bennett  
Russell, Trinka

Borden, David  
Flanders, John Sr  
Henson, John  
Kepner, Susan  
McGuirk, Thomas  
Nord, Susi  
Snow, Richard

Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Howard, Doreen  
Marsh, Michael  
McKenna, Daniel  
Pantelakos, Laura  
Splaine, James

Casey, Kimberley  
Gould, Kenneth  
Johnson, Robert  
McCarthy, Linda  
Moody, Marcia  
Robertson, Carl

### STRAFFORD

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Browne, Brendon  
Domingo, Baldwin  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Brown, George  
Burke, Rachel  
Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Brown, Julie  
Cyr, James  
Goodwin, Earle  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Smec, Robert

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

and the motion failed.

Rep. Drisko did not vote and notified the Clerk that he wished to be recorded in favor.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Wallner moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 62**, relative to limiting the number of balloons released into the atmosphere, removed by Rep. Patten.

**HB 74-FN-A-L**, relative to matching funds for federal disaster assistance for the October 2005 floods and making an appropriation therefor, removed by Rep. Ferland.

**HB 435-FN-A**, making an appropriation to provide a death benefit for the family of a seasonal department of transportation employee, removed by Rep. Hawkins.

**HB 506**, relative to references to "United States citizen" in the New Hampshire statutes, removed by Rep. Lars Christiansen.

**HB 507**, relative to the rights of citizens, removed by Rep. Lars Christiansen.

**HB 557-L**, relative to free parking in designated handicapped zones, removed by Rep. Vaillancourt.

**HB 684**, establishing a rest area and state liquor store retail opportunities commission, removed by Rep. Crane.

Consent Calendar adopted.

Rep. Reardon declared a conflict of interest on **HB 281** and did not participate in the vote on the Consent Calendar.

**HB 130**, requiring bottled water labels to indicate the source of the water. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F. Winters for Commerce: Filtered water or spring water; do you know what's in your bottled water? Regulations on the federal level already require the type of water to be specified and the location of the spring to be on the label as well: Laws on the state level would be duplicative. Existing law adequately protects and informs consumers, so the committee did not feel this was needed legislation. Vote 14-1.

**HB 151**, relative to provider contracts under the managed care law. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce: This bill requires participating hospitals to establish and maintain procedures which provide notice to a covered person as to whether a hospital-based provider who is not a participating provider in the covered person's health plan will be treating such covered person. After reviewing the problem with affected parties it was agreed that this was a situation that could be resolved amongst them and did not rise to the point of requiring legislation. Vote 13-0.

**HB 158**, requiring insurance companies to allow covered persons to purchase an up-to-90-day supply of life-sustaining drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for Commerce: This bill requires insurance companies to allow covered persons to purchase up to a 90-day supply of prescription drugs. The amendment requires that the drugs had to have been prescribed in the past year and does not change any co-payments or terms and conditions that an insurance company may have for a non-mail order prescription. Vote 13-2.

#### **Amendment (0461h)**

Amend the title of the bill by replacing it with the following:

AN ACT requiring insurance companies to allow covered persons to purchase an up-to-90day supply of covered prescription drugs on the covered person's health plan formulary under certain circumstances.

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; 90-Day Supply of Covered Prescription Drugs. Amend RSA 415 by inserting after section 6-a the following new section:

415:6-aa 90-Day Supply of Covered Prescription Drugs. An insurer issuing or renewing accident and health insurance policies shall allow its insureds to purchase an up-to-90-day supply of covered prescription drugs on the covered person's health plan formulary at one time, provided that the insured can demonstrate that such drug has been taken by the insured for a continuous period of one year and provided that such drug is not subject to the health plan's utilization management, prior authorization, or pre-certification requirements. Controlled substances as identified by the United States Drug Enforcement Administration are exempt from this section. Nothing in this section shall be construed to limit the health plan's ability to establish co-payments, coinsurance deductibles, or other member cost shares. A pharmacy dispensing a 90-day supply of covered prescription drugs under this section shall comply with any specified terms, conditions, and price which the plan may require for pharmacies that fill 90-day prescriptions.

2 New Paragraph; 90-Day Supply of Covered Prescription Drugs. Amend RSA 420-J:7-b by inserting after paragraph VII the following new paragraph:

VIII. Every health benefit plan that provides prescription drug benefits shall allow its covered persons to purchase an up-to-90-day supply of covered prescription drugs on the covered person's health benefit plan formulary at one time, provided that the insured can demonstrate that

such drug has been taken by the insured for a continuous period of one year and provided that such drug is not subject to the health benefit plan's utilization management, prior authorization, or pre-certification requirements. Controlled substances as identified by the United States Drug Enforcement Administration are exempt from this paragraph. Nothing in this paragraph shall be construed to limit the health benefit plan's ability to establish co-payments, coinsurance deductibles, or other member cost shares. A pharmacy dispensing a 90-day supply of covered prescription drugs under this paragraph shall comply with any specified terms, conditions, and price which the health benefit plan may require for pharmacies that fill 90-day prescriptions.

#### AMENDED ANALYSIS

This bill requires insurance companies to allow covered persons to purchase an up-to-90-day supply of covered prescription drugs on the covered person's health plan formulary under certain circumstances.

**HB 215**, relative to fees for hearing care providers. **OUGHT TO PASS.**

Rep. John B. Hunt for Commerce: This bill repeals the dollar amount of initial license and registration fees for hearing care providers in the statutes. RSA 137-F: 6 already provides for the fees to be set by rulemaking. This bill will allow these fees to be changed by Joint Legislative Committee on Rules (JLCAR) instead of going to the legislature every time the fees need to be changed. Vote 14-1.

**HB 228**, relative to the definition of "medical necessity" under the managed care law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for Commerce: Under the current law an HMO must define and make public its definition of medically necessary. This bill will standardize the language so that all HMO's will use the same definitions. The amendment added one word, "stabilize." Vote 17-0.

#### Amendment (0119h)

Amend RSA 420-J:3, XXV-b as inserted by section 1 of the bill by replacing it with the following:

XXV-b. "Medical necessity" means health care services or products provided to an enrollee for the purpose of preventing, stabilizing, diagnosing, or treating an illness, injury, or disease or the symptoms of an illness, injury, or disease in a manner that is:

- (a) Consistent with generally accepted standards of medical practice;
- (b) Clinically appropriate in terms of type, frequency, extent, site, and duration;
- (c) Demonstrated through scientific evidence to be effective in improving health outcomes;
- (d) Representative of "best practices" in the medical profession; and
- (e) Not primarily for the convenience of the enrollee or physician or other health care provider.

**HB 281**, relative to the cancellation of buying club memberships. **OUGHT TO PASS.**

Rep. Stephen T. DeStefano for Commerce: This bill eliminates a general provision permitting the pro rata cancellation of buying club memberships. The bill limits pro rata refunds to situations where the club moves at least 20 miles farther away from the member's residence. The committee did however, leave the three day right of rescissions under RSA 358-J: 2. Vote 13-0.

**HB 324**, prohibiting the use of artificial trans fats in the preparation of food. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew S. Houde for Commerce: As initially proposed, this bill would have completely prohibited the use of artificial trans fats in any food prepared for sale or service on premises or elsewhere (such use constituting an immediate endangerment of public health and safety, which would have been the basis for revocation of a food service establishment license). While the committee appreciates the intent of the bill, and believes the attention it brought will aid in raising awareness about this important health issue, it nonetheless determined that it is not appropriate as proposed since a mandatory ban on trans fats could carry the risk of unintended consequences (such as the substitution of trans fats with unhealthy oils high in saturated fats, particularly in the absence of a sufficient supply of healthy alternatives) and that consumers, as they have in grocery stores, will be the driving force behind the inevitable change in food service establishments' use of artificial trans fats. Children, however, cannot make similar choices. As such, the committee has



recommended the bill as amended in order to evaluate the use of artificial trans fats (as well as saturated fats), in food prepared and served to pupils as part of the school food program - said evaluation to result in the adoption and implementation of a policy governing their use. Vote 14-0.

#### **Amendment (0604h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the use of artificial trans fats and saturated fats in food prepared and served in public schools.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Food and Nutrition Programs; Artificial Trans Fats and Saturated Fats. Amend RSA 189:11-a by inserting after paragraph VII the following new paragraph:

VIII. All school administrative unit superintendents shall, no later than September 1, 2007, evaluate the use of artificial trans fats and saturated fats in foods prepared and served to pupils as part of the school food program within each school in the school administrative unit and report such findings to the state board of education. The state board of education shall, no later than January 1 2008, adopt and implement a policy governing the use of artificial trans fats and saturated fats in foods prepared and served to pupils in the public schools.

2 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill requires superintendents to evaluate the use of artificial trans fats and saturated fats in foods prepared and served to pupils as part of the school food program within each school in the school administrative unit, and report such findings to the state board of education which shall adopt a policy governing the use of artificial trans fats and saturated fats in foods prepared and served to pupils in the public schools.

**HB 365**, establishing a commission to study foreclosures of home mortgages and the foreclosure rescue scam industry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T. DeStefano for Commerce: The bill establishes a commission to study foreclosures of home mortgages and the foreclosure rescue industry. As the real estate market changes, some unscrupulous people are taking advantage of homeowners in very difficult positions. The committee felt that this would be a start to regulate these individuals. The amendment only adds 3 members from the industry to the study committee. Vote 14-0.

#### **Amendment (0480h)**

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. The members of the commission shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) The governor, or designee.

(d) The bank commissioner, or designee.

(e) The attorney general, or designee.

(f) A representative of the New Hampshire housing finance authority, appointed by that organization.

(g) A representative from New Hampshire Legal Assistance, appointed by that organization.

(h) A representative from the New Hampshire Community Loan Fund, appointed by that organization.

(i) A representative from the New Hampshire Bankers Association, appointed by that organization.

(j) A representative of the Mortgage Bankers and Brokers Association of New Hampshire, appointed by that organization.

(k) A representative of the New England Financial Services Association, appointed by that organization.

**HB 371**, establishing accessibility requirements for new residential home construction. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert F. Matheson for Commerce: This bill requires all new single family, duplex and triplex homes to be constructed to meet 5 standards in making them more handicap accessible. The committee agreed with the Governor's Commission on Disability that this bill is very restrictive in its design requirements and borders on violating individual rights. The committee heard from the Association of Home Builders, the Association of Realtors, architects, general contractors and electricians. All testified against the bill because of its added cost and design limitations. Vote 14-0.

**HB 469**, relative to on-premises cocktail lounge licenses for caterers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for Commerce: The original bill was written to allow brew pubs to cater off-site. The committee agreed with the sponsor, and realized in the discussion to further clarify and amend the statute. The committee discussed the inability of beverage manufacturer (brewers) who have tasting rooms to sample (limited to 2 ounces) not only beverages brewed on site, but also other beverages distributed by that manufacturer in the United States. The amendment encourages brewers to test within our market and possibly expand the beverages produced here in New Hampshire. Vote 16-0.

**Amendment (0248h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to on-premises cocktail lounge licenses for caterers and relative to beverage manufacturer hospitality rooms.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Beverage Manufacturer License; Hospitality Room. Amend RSA 178:12, III to read as follows:

III. The holder of a beverage manufacturer license may operate a hospitality room on the premises in which the licensee may make available to *employees and* visitors of legal drinking age for on-premises consumption free of charge samples of beverages manufactured [~~on the premises~~] *or distributed in the United States by the beverage manufacturer*. The hospitality room shall require commission approval in respect to its location, service facilities, and seating arrangements.

**AMENDED ANALYSIS**

This bill allows brew pub licensees to obtain off-site catering licenses. This bill also permits a beverage manufacturer licensee to serve employees in its hospitality room and allows consumption in the hospitality room of any beverages manufactured or distributed by the manufacturer.

**HB 499**, relative to the innovative research center. **OUGHT TO PASS.**

Rep. Stephen P. Spratt for Commerce: This bill changes the name of the University of New Hampshire Industrial Research Center to the University of New Hampshire Innovative Research Center. This name change is in keeping with the challenge to increase both the pace of innovative technology developments and the scope of partnerships. In addition to its grant program, the center may provide services including training, strategic thinking and strategy development and proposal writing. Vote 13-1.

**HB 529**, relative to disclaimers of municipal services in real estate contracts. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert F. Matheson for Commerce: Presently new construction of subdivisions over 15 lots require a filing with the Attorney General's office and subsequent notices ensuring consumer protection. All new buyers are presented with a Public Offering Statement when signing a purchase agreement and have a right to review and rescind their agreement for five days. Part of this Public Offering Statement is the declaration which fully describes the property as well as common areas, roadways and amenities. Currently, New Hampshire realtors also require, for all land sales, a property disclosure form which accompanies a purchase agreement and specifically asks about association fees, easement restriction and covenants. The committee felt there was ample disclosure to the consumer and this bill was unnecessary. Vote 13-0.

**HB 530**, relative to mortgages held by parties to a divorce. **INEXPEDIENT TO LEGISLATE.**  
Rep. Tara G. Reardon for Commerce: This bill would require a first mortgage lender, upon written request of a mortgager, to refinance a note and mortgage when a couple divorces eliminating the usual

underwriting and loan processing required. The majority of mortgages are sold on the secondary market and must conform to very strict loan to value and income to debt ratios. There is no guarantee that an individual will qualify for a loan. Additionally, often times the loan has been assigned to a servicing agent who has no ability to rewrite a loan. No one spoke in favor of the bill. Vote 14-0.

**HB 532**, relative to insurance fraud. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T. DeStefano for Commerce: This bill clarifies certain provisions of the insurance fraud law and authorizes the commissioner of insurance to adopt rules for the implementation of the insurance fraud law. The amendment only changes one word, under RSA 417:28 the phrase "reason to suspect" has been changed to "reason to believe." Vote 14-0.

**Amendment (0511h)**

Amend RSA 417:28 as inserted by section 2 of the bill by replacing it with the following:

417:28 Reporting of Fraudulent Claims by Insurers. Any ~~[company which believes]~~ **person or entity regulated under title XXXVII which has reason to believe** that an insurance fraud ~~or insurance-related criminal activity~~ has been committed shall ~~[; make a report to the unit within 60 days [of forming such belief, send to the unit;] or within a shorter period under such circumstances as the commissioner may prescribe by rule. No waiver of any such regulated person's or entity's applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of such disclosure to the unit. Such report shall be made on a form prescribed by the unit [;] and shall contain the information requested and such additional information [relative to the claim and other parties claiming loss or damage because of the claim]~~ as the unit may require. The unit shall review such report and select such claims as, in its judgment, warrant further investigation. In the absence of fraud or malice, no public official or insurance company or person who furnishes information on behalf of the insurance company shall be liable for damages in a civil action or subject to criminal prosecution for any oral or written statement made or any other action taken that is necessary to supply information required pursuant to this section.

**HB 131**, revising the role of the commissioner of the department of education in the approval of home education programs. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberley S. Casey for Education: To address conflicts of interest, the Department of Education asked the committee to remove the commissioner of education, who is part of the home school appeal process, from the home school approval and supervision process. While the committee supports strengthening good relationships between parents and local districts, it also believes that home school parents need another option in cases where that relationship does not exist. Vote 18-0.

**HB 147**, relative to counting kindergarten pupils in charter school attendance. **OUGHT TO PASS.**

Rep. Kimberley S. Casey for Education: This bill provides that for the purpose of calculating charter school funding, kindergarten pupils shall count as no more than ½ day attendance per calendar year. Vote 17-0.

**HB 164**, relative to medicating pupils to enhance learning abilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Ingbertson for Education: This bill requires school boards to create a policy prohibiting non-medical school staff from recommending psychotropic drugs for schoolchildren. The committee continues to hear reports that school staff are recommending that parents consider the use of psychotropic drugs for their children. Since such recommendations are not technically "practicing medicine" and yet may tend to put pressure on parents, the committee felt recommendations of drug use by unqualified school staff needed to be proscribed in education policy. Vote 19-1.

**Amendment (0628h)**

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting school personnel from recommending the use of psychotropic medications for any child.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; School Boards; Medications Recommended by School Personnel. Amend RSA 189 by inserting after section 11-b the following new section:

189:11-c Medications Recommended by School Personnel.

I. Each school board, or cooperative school board in the case of a cooperative school district shall, within one year of the effective date of this section, adopt and implement a policy prohibiting school personnel from recommending the use of psychotropic medications for any child. Such policy shall not prohibit school medical staff from recommending that a child be evaluated by a licensed medical practitioner or prohibit school personnel from consulting with such practitioner with the consent of the child's parents or legal guardian.

II. In this section, "psychotropic medications" means those medications the prescribed intention of which is to alter mental activity or mental state, including but not limited to, antipsychotic, antidepressant, and anxiolytic medications, and behavior-altering medications.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires each school board or cooperative school board to adopt and implement a policy prohibiting school personnel from recommending the use of psychotropic medications for any child.

**HB 213**, relative to the availability of school nutrition program funds for charter school and nonpublic schools. **OUGHT TO PASS.**

Rep. Nancy F. Stiles for Education: This housekeeping bill provides the necessary language to allow the department to disburse money to all the eligible programs included in HB 1249, Chapter 127 known as the breakfast and wellness bill passed last session. Vote 16-0.

**HB 238**, establishing a committee to study limited liability for school teachers. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Shaw for Education: Although the sponsor's attempt to protect teachers from unreasonable suits is appreciated, the committee believes it is better to stay with current law that prohibits frivolous law suits against teachers and allows teachers to use necessary restraints to protect themselves and children. Vote 17-0.

**HB 302**, requiring notice of construction or expansion of a public school. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Shaw for Education: This bill was originally drafted at the request of the Department of Transportation, which now respectfully requests ITL. The Department of Education and DOT have worked out a notification system, without legislation, that informs the DOT by a list of building projects. Vote 19-0.

**HB 431**, establishing a commission to study academic and financial requirements for recipients of Pell grants. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela G. Price for Education: This bill proposed a 12 member commission to study the Pell Grant Program. Specific tasks of the commission were to study the maximization of leverage and the placement of academic benchmarks for Pell Grant Students, and to study the financial criteria for enrollment in an associate's degree program at no cost to the student. The membership of the proposed commission included representatives from the University System, and the Regional Community Technical College System. It has been identified that the topic could be included within the scope of the Public Higher Education Commission. The prime sponsor agrees with this plan; thus this bill is deemed to be unnecessary. Vote 19-0.

**HB 242**, relative to the declaration of candidacy form. **OUGHT TO PASS.**

Rep. Shawn N. Jasper for Election Law: This bill eliminates the requirement to list a candidate's party affiliation twice on the declaration form. In place of the second disclosure the form will simply state "...the party in which I am now registered." Vote 15-0.

**HB 353-L**, relative to public access to ballots prior to their destruction. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. Splaine for Election Law: This legislation would allow state election ballots that have already been used on election day to be available for analysis and research after the election prior to their destruction. The intent was good, but the committee felt this was not a good thing to do, especially since some handwriting on the ballots could identify votes or the research could be misused. We should always guarantee the privacy of the voter's ballot and the integrity of the election process. Vote 15-0.

**HB 364**, requiring that the order of names on ballots be determined by lottery. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Election Law: The committee is retaining HB 358 which deals with the same subject matter as there are many reasonable proposals on how the listing of candidates names should be determined. The committee would like to work with the Secretary of State to find a procedure which is both reasonable and easy to administer. Vote 12-1.

**HB 367**, relative to incompatible offices. **OUGHT TO PASS.**

Rep. Charles F. Weed for Election Law: This is a "housekeeping" bill recommended by the Secretary of State to clear up an ambiguity in the 2006 election wherein a filed candidate for the House of Representatives became a candidate for the Senate. This bill makes it possible for the candidate to choose which of the two incompatible offices he or she will run for in the general election if he or she received the nomination for one office by write-in votes. Vote 15-0.

**HB 142**, relative to the sale of out-of-state animals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Linda J. McCarthy for Environment and Agriculture: The original bill exempted incorporated or chartered humane societies from certain requirements of a statute requiring licenses and animal health certificates with the exception that dogs imported into New Hampshire for sale or transfer must be accompanied by an official health certificate. The amendment requires that any persons or other entity engaged in the sale or transfer of live animals or birds as household pets allow the premises in which the animals are housed to be subject to inspection and licensure by the department of agriculture, markets, and food of the state of New Hampshire when aforementioned animals are transferred to the final owner within the state of New Hampshire. This shall be regardless of whether or not a fee for the animal is required. In the case of licensees without a physical facility in New Hampshire, an exemption from inspection shall be made, however, every imported dog, cat, or ferret shall be required to be accompanied by an official health certificate which the licensee shall submit to the department for review within one month of the date of the certificate. The amendment would further require that all cats and dogs transferred from an animal shelter facility shall be accompanied by an official health certificate, if the cat or dog was imported into the state for transfer with or without a fee. Finally the definition of "broker" as any individual or entity acting as agent or intermediary in negotiating, buying, selling, or transferring dogs, cats, or ferrets when transfer to the final owner occurs in New Hampshire is added as a new paragraph. Vote 19-0.

**Amendment (0265h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Sale of Animals and Birds; License Required. Amend RSA 437:1 to read as follows:

437:1 License Required. No person, firm, corporation or other entity shall engage in the business of selling or the business of placing or giving away, with or without a fee or donation required, to the public, live animals or birds customarily used as household pets unless the premises on which they are housed, harbored or displayed for such purposes are duly licensed and inspected by the department of agriculture, markets, and food of the state of New Hampshire. This section shall also apply to commercial kennels *and to any person, firm, corporation, or other entity engaged in the business of, including activity as a broker, selling, placing, giving away, or importing live animals or birds customarily used as household pets for sale, resale, or transfer to the public, with or without a fee required, and whether or not a physical facility is owned by the licensee in New Hampshire when transfer to the final owner occurs within New Hampshire. These provisions shall not effect the provisions of RSA 437:7.*

2 Bird and Animal Inspections. Amend RSA 437:8 to read as follows:

437:8 Inspections. Inspections of all premises as described in RSA 437:1 shall be made at reasonable times, but in no case less frequently than every 6 months. Any duly appointed agent of any humane society or S.P.C.A. incorporated in the state of New Hampshire acting under the authority and direction of the department or an official representative of the department may make said inspections at any reasonable time. *Licensees without a physical facility in New Hampshire shall be exempt from facility inspection, though interstate health certificates or official health certificates for every imported dog, cat or ferret handled by the licensee shall be submitted to the department for review within one month of the date of writing of the certificate.*

3 Health Certificate for Cats. Amend RSA 437:13-a, IV to read as follows:

IV. All incorporated or chartered humane societies with operating shelters in the state of New Hampshire are exempt from the requirements of this section relative to selling or transferring cats except that all cats transferred out of an animal shelter facility shall have a form of positive identification, including but not limited to a tattoo, collar, microchip, ear tag, or any other permanent form of identification approved by the commissioner of agriculture, markets, and food and shall be vaccinated against rabies in accordance with RSA 436, *and shall be accompanied by an official health certificate if the cat was imported into the state for transfer or without a fee.*

4 Breeder's Health Certificate. Amend RSA 466:6-a, IV to read as follows:

IV. All incorporated or chartered humane societies with operating shelters in the state of New Hampshire are exempt from the requirements of this section relative to selling or transferring dogs *except that dogs which have been imported into the state for transfer with or without a fee shall be accompanied by an official health certificate.*

5 Dogs, Cats and Ferrets. Amend RSA 437:10, III(c) to read as follows:

(c) All animal shelters shall comply with the provisions of RSA 437:13-a, IV *and RSA 466:6-a, IV.*

6 New Paragraph; Broker; Definition. Amend RSA 437:2 by inserting after paragraph IV the following new paragraph:

V. *"Broker" means any individual or entity acting as agent or intermediary in negotiating, buying, selling, or transferring dogs, cats, or ferrets when transfer to the final owner occurs in New Hampshire.*

7 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill expands license requirements for sellers of domestic animals and requires that all out of state dogs, cats, and ferrets sold in New Hampshire be accompanied by an official health certificate.

**HB 207**, establishing a commission to study and make recommendations on the expansion of the New Hampshire Agricultural Innovation Program. **OUGHT TO PASS.**

Rep. Timothy D. O'Connell for Environment and Agriculture: The study commission authorized by this bill is based on the recommendation of a chartered study committee, HB 229, Chapter 78:1 from the 2005 session. The specific duties of this commission would primarily focus on the administration, and oversight of any expansion of the current New Hampshire Agricultural Innovation Program. Additional duties include exploring opportunities for partnering with existing programs in neighboring states and the feasibility of forming public/private partnerships for administrative and technical support. The New Hampshire Department of Agriculture, Markets, and Food together with the UNH Cooperative Extension Service most likely will continue to have direct involvement with any program. The current program consists only of providing selected applicants business planning assistance through a USDA Rural Development grant. Vote 18-1.

**HB 193**, relative to liquor and wine representative licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill would allow liquor and wine licensees to hold additional licenses. The concerns of the committee are the potential loss of income to the state in addition to the objection of the Liquor Commission which we have directed to oversee this industry and which has succeeded in generating and contributing millions of dollars every year to the general fund (FY 2006 - \$130 M). The commission is committed to proactively looking at changes in the landscape of this industry and propose adaptations as they have, for example, on the treatment of in-state micro-breweries and the distilling of vodka in an in-state winery. Vote 16-0.

**HB 307**, relative to examinations of electricians by the electricians' board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I. Millham for Executive Departments and Administration: This bill allows for computerized testing for licensure of electricians by the electricians' board. The amendment adds the word proctored to computerized testing. Vote 13-0.

#### Amendment (0519h)

Amend the bill by replacing sections 2 and 3 with the following:

2 Fees. Amend RSA 319-C:6-b to read as follows:

319-C:6-b Fees. The board, with the approval of the commissioner of safety, shall establish *application* fees for examination of applicants, *fees* for licensure, for renewal, and for late renewal of licenses to practice under this chapter, and for transcribing and transferring records and other services. *The fee for examination shall not include fees charged by and paid to an examination entity approved by the board.* The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year. Fees collected shall be deposited in the fire standards and training and emergency medical services fund, established in RSA 21-P:12-d, and used for the purposes of operating expenses of the electricians' board. Fees collected in excess of actual operating expenses shall be deposited in the general fund as unrestricted revenue.

3 Examinations. Amend RSA 319-C:8 to read as follows:

319-C:8 Examinations for License. Each applicant for licensure shall present to the board, on forms furnished by the board, a written application for examination and license, containing such information as the board may require, accompanied by the required *application* fee established by the board. *Proctored* examinations shall be written [or], written and oral, *oral, or computerized as approved by the board*, and shall be of a thorough and practical character. They shall include such provisions of the National Electrical Code as the board may deem appropriate. Any person failing to pass his or her first examination may be reexamined at any subsequent examination meeting of the board *or by an examination entity approved by the board*, and thereafter may be examined as often as he or she may desire upon *submitting the written application for examination and license and* payment of the required *application* fee as set forth in this chapter.

**HB 308**, relative to continuing education for licensed electricians. **INEXPEDIENT TO LEGISLATE.** Rep. Alida I. Millham for Executive Departments and Administration: This bill would require master electricians or journeymen to provide proof of completing an electrical code update certification course within one year subsequent to the adoption of an update to the National Electrical Code by the board of electricians. The sponsor requested ITL on this bill as it is not ready for passage at this time. Vote 14-0.

**HB 546**, establishing a commission to study liquor commission procedures and policies. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela V. Manney for Executive Departments and Administration: At the request of the sponsor, this bill was ITL. This was done so that this bill could be rolled into several other bills being considered regarding the procedures and policies of the liquor commission. Vote 14-0.

**HB 573-FN**, relative to the collection of judgments. **INEXPEDIENT TO LEGISLATE.**

Rep. Hector M. Velez for Executive Departments and Administration: This bill would make state agencies collection agencies for private debt. The Attorney General testified against the bill. For those individuals who depend on their licenses to make a livable wage, they would not be able to support themselves or their families making it more difficult to repay any debt. The New Hampshire judicial system has other options for collection of debt. Vote 12-1.

**CACR 3**, relating to the appropriation of certain revenues. Providing that the scope of appropriations from certain revenues shall be broadened. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for Finance: This CACR and CACR 4 are very similar. This bill was sent to Finance and the other to Public Works. CACR 4 has a wider scope than CACR 3. CACR 3 deals only with railways being funded from the highway fund; CACR 4 allows public transportation to use the highway fund. The sponsor of CACR 3 decided that she liked the wider scope better. She asked to have CACR 3 withdrawn. The committee complies with her request and votes CACR 3 ITL. Vote 22-1.

**HB 220**, removing the requirement that the department of transportation file a report with the state treasurer regarding special accounts within the highway fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth L. Weyler for Finance: The highway fund is constitutionally restricted as to where the dollars can be spent. Although it is intended to be used to maintain our road system, language also allows its use to maintain traffic control on those roads. This language allows funds to transfer to the Department of Safety, and the judicial branch. A total of nine agencies receive highway funds. The Finance Committee believes that in order to provide proper oversight, it must see reports from these nine agencies, first as to how they propose to spend the money, followed by annual

reports as to how the dollars were spent. Similar requirements have been given in the past, yet compliance was lax. An important part of this amendment states that no funds shall be disbursed to a department of the executive branch or the judicial branch if it has not filed the report. This bill is important for the legislature's role of financial oversight. Vote 21-0.

#### **Amendment (0242h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a reporting requirement for departments that receive highway funds.

Amend the bill by replacing all after the enacting clause with the following:

1 Reporting Requirement For Departments that Receive Highway Funds. RSA 9:9-c is repealed and reenacted to read as follows:

9:9-c Reporting Requirement for Departments that Receive Highway Funds. All departments of the executive branch and the judicial branch that receive highway fund transfers for any purpose shall file a report with the commissioner of administrative services on or before January 1 of each year for the preceding fiscal year. The format of the report shall be determined by the commissioner and shall be in a format similar to reports filed pursuant to RSA 9:4-d.

I. The report shall include:

(a) A description of each of the programs supported by highway funds.

(b) Actual expenditures incurred by programs supported whole or in part by the highway fund transfers compared to amounts budgeted for those purposes.

II. No highway fund transfers shall be disbursed to a department of the executive branch or the judicial branch if the department or judicial branch has not filed the report required under this section for the preceding fiscal year.

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill requires each department of the executive branch and the judicial branch to annually report its use of highway fund transfers to the department of administrative services.

**HB 258-FN-A**, making an appropriation to the department of safety, bureau of emergency management, to fund a grant to the town of Goffstown for installation of sewer and water systems in areas damaged by flooding in May 2006. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert A. Foose for Finance: The bill makes an appropriation to the Department of Safety, Bureau of Emergency Management, to fund a grant of \$2,000,000 to the Town of Goffstown for installation of sewer and water systems in areas damaged by flooding in May 2006. A majority of the committee concluded that the damage was not the direct result of the flooding in May 2006. The presentation to the committee also did not reflect a clear business plan or evidence that the community had dealt with the problem of persistent flooding over time. Finally, the committee expressed its belief that responsibility for sewer and water system improvement should rest with local communities. Vote 19-1.

**HB 259-FN-A**, making an appropriation to the department of safety, bureau of emergency management, to fund a grant to the town of Goffstown for drainage installation in areas damaged by flooding in May 2006. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert A. Foose for Finance: The bill makes an appropriation to the Department of Safety, Bureau of Emergency Management, to fund a grant of \$500,000 to the Town of Goffstown for drainage installation in areas damaged by flooding in May 2006. A majority of the committee concluded that the damage was not the direct result of the flooding in 2006. As was the case with HB 258-FN-A, the presentation to the committee also presented the same problems noted in the blurb for HB 258-FN-A. Vote 19-1.

**HB 378-FN-A**, making an appropriation to the department of health and human services for start-up and equipment costs of the Tri-County Community Action Program dental facility. **INEXPEDIENT TO LEGISLATE.**

Rep. Fran Wendelboe for Finance: This bill would appropriate \$350,000 to Tri-County Community Action Program for the purpose of funding start-up and equipment costs for a public health dental facility in Tamworth, NH, which was built with federal funds. The committee heard testimony that dental access is sorely needed in most counties to serve children on the Medicaid program. However, testimony from the Public Works Committee indicated that federal funds could



have been used for this purpose and were all used for the building construction. Public Works requested Finance ITL this bill. This is the third time this matter has come before the legislature. The committee felt that it would prefer to work on access to dental care as a state wide issue as part of the budget process. Vote 24-0.

**HB 402-FN-A**, making an appropriation to the Good Neighbor Health Clinic. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry A. Emerton for Finance: This bill would appropriate \$50,000 a year for two years to the Good Neighbor Health Clinic in White River Junction, Vermont. The clinic is supported, in part, by volunteer time given by physicians and dentists and a \$65,000 appropriation from the State of Vermont. Approximately 60% or about 550 of their clients are residents of New Hampshire. Most of their patients are "low income adults" who have little or no insurance, and live in the Upper Valley region of New Hampshire and Vermont. The clinic provides an excellent much needed service to those clients on a limited budget. As there are several other clinics of this type located on the New Hampshire/Vermont border, it was suggested by the committee that they get together with the New Hampshire Department of Health and Human Services to coordinate their operation and come back to us for help in the future. Vote 21-3.

**HB 417-FN-A**, making a supplemental appropriation to the department of safety for overtime pay to state troopers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen B. Stepanek for Finance: The Department of Safety came before the committee with a request to appropriate \$375,000.00 for state police overtime pay. When questioned as to why this overtime account was overspent we were told that their request for this line item was cut and that is why they now needed to request an additional appropriation. The committee determined that instead of appropriating new money the more correct accounting method would be to authorize the Department of Safety to transfer the funds from other line items within their budget, which had surpluses, into this line item so long as those transfers did not exceed \$375,000.00. Vote 19-1.

**Amendment (0171h)**

Amend the title of the bill by replacing it with the following:

AN ACT allowing the department of safety to transfer funds within the budget of the division of state police.

Amend the bill by replacing all after the enacting clause with the following:

1 Transfers Authorized. Notwithstanding the provisions of RSA 9:16, RSA 9:16-a, RSA 9:17, RSA 9:17-a, and RSA 9:17-c, the commissioner of administrative services, upon the request of the commissioner of safety, is authorized to transfer within and among any and all components and class codes of the budget of the division of state police for fiscal year 2007, regardless of funding source or mix, sufficient funds to cover overtime obligations for state police overtime, witness fees, and the accompanying benefits. The total amount transferred shall not exceed \$375,000. When making the transfers, every effort shall be made to maintain the original funding sources for the amounts transferred.

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill allows the department of safety to transfer funds appropriated for fiscal year 2007 within the budget of the division of state police.

**HB 590-FN**, changing the state migratory waterfowl stamp into a license issued by the fish and game department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark S. Clark for Fish and Game: This bill changes the migratory waterfowl stamp program into a license. The bill as amended will save the Fish and Game Department approximately \$11,000.00 a year. The savings are in the reduction of the administrative costs associated with the stamp program. The department's goal is to be efficient as possible. This bill helps accomplish that goal. Vote 14-0.

**Amendment (0342h)**

Amend the bill by replacing section 3 with the following:

3 Application; Fees; Waterfowl Licenses. Amend RSA 214:9, XII to read as follows:

XII.[(a)] If the applicant wishes to hunt migratory waterfowl, \$4.00, and the agent shall thereupon issue a state migratory waterfowl [~~stamp~~] **license** which shall entitle the licensee to hunt, shoot, kill, and take migratory waterfowl during such time and in such manner and numbers as may be allowed under RSA 209:6. [~~The agent shall be entitled to retain a fee of \$.50 for each migratory waterfowl stamp sold and all migratory waterfowl stamps sold at the department headquarters or any subagency thereof shall charge the same fee which shall be credited to the general fish and game fund.~~]

[(b) Notwithstanding any of the general provisions for the expiration of fish and game licenses, any state migratory waterfowl stamp issued under subparagraph (a) shall expire on June 30 of each year.]

**HB 657**, authorizing the executive director of fish and game to issue moose hunting adventure permits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lyle E. Bulis for Fish and Game: This bill creates an opportunity for terminally ill youths to have an opportunity to fulfill a lifetime wish. There will be two (2) permits available for all legal game each species. These would include moose, bear, deer, turkey, game birds, and waterfowl. These permits will be granted to the national organization "Hunt of a Lifetime." Any local sponsoring organizations must work with this national organization to assure fairness in administration of this program. Vote 13-0.

#### **Amendment (0613h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Fish and Game; Moose Hunting Adventure Permits. Amend RSA 208 by inserting after section 1-a the following new section:

208:1-aa Hunting Adventure Permits. Notwithstanding the application, licensure, and permit requirements of Title 18, the executive director of fish and game may annually issue, at no cost, up to 2 licenses or permits to Hunt Of A Lifetime, Inc., to provide hunting adventures to New Hampshire residents under 21 years of age with life-threatening, critical, or terminal illnesses. These licenses or permits shall be in addition to any limited hunting permit opportunities issued under Title 18, shall be at no cost to the organization, shall be valid anywhere in the state open to the taking of the species selected, and shall be valid to take game as specified in RSA 207:1, IX of either sex during the established hunting season for that species, with the exception of moose permits which shall be valid from October 1st through the end of the regular moose season. If the person using the permit is not properly licensed, he or she shall be exempt from licensing requirements under RSA 214:1 and hunter education requirements under RSA 214:23-a. The hunter shall be accompanied by a properly licensed person who is 21 years of age or older. The provisions of Title 18 and rules adopted thereunder which relate to method and manner of taking and reporting shall apply to hunting adventure permits.

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill authorizes the executive director of fish and game to issue up to 2 moose hunting adventure permits to a nonprofit organization providing hunting adventures to persons under 21 years of age with life-threatening, critical, or terminal illnesses.

**HB 658**, prohibiting the taking of game by use of a tranquilizer. **OUGHT TO PASS.**

Rep. Margaret E. Porter for Fish and Game: This bill prohibits the use of a tranquilizer propelled from a bow, crossbow, or firearm for taking game animals or game birds. This does not apply to the Executive Director of Fish and Game or the Executive Director's authorized agents. This bill is supported by the Fish and Game Department and the Fish and Game Commissioner. Vote 13-0.

**HB 286-FN**, relative to a Medicaid waiver for family planning services. **OUGHT TO PASS.**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: This bill requires the Department of Health and Human Services to develop a Medicaid waiver to extend Medicaid-allowable family planning services to Medicaid-eligible clients. New Hampshire currently provides only 60 days of postpartum family planning services for eligible women. Family planning waivers extend the period of time for Medicaid-enrolled women to receive approved family planning services. It also leads to better health outcomes for both the mother and child. This will be cost neutral to the state Medicaid program. Vote 18-0.

**HB 299**, relative to the sale of hypodermic syringes. **INEXPEDIENT TO LEGISLATE.**

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: If enacted, this bill would eliminate a program that has been legislatively in place since 2000, saving lives of New Hampshire citizens. HIV/AIDS and Hepatitis C are transmitted through blood. This program permits the sale of 10 syringes to persons over age 18 years without a prescription from a pharmacy. Single use syringes are advised for injection drug users. Pharmacy participation is voluntary; no registration is required prior to participation. Pharmacies are required to distribute a brochure containing information about drug treatment, HIV screening and syringe disposal to all individuals purchasing syringes without a prescription. The sponsors of this bill did not cite any negative effects of the program in place. They did state persons from the border state of Massachusetts were purchasing needles/syringes in New Hampshire. Massachusetts and all other New England states have availability of needles at pharmacies. Lives have been saved with this program. We don't want to expose anyone to dirty needles. This is a prevention tool. The committee strongly supports the ITL vote and believes passage of this bill would be a step backwards. Vote 17-0.

**HB 327**, relative to pharmacy-based immunization delivery. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill as amended has a clear intent to assist the general public in getting a vaccination if the governor declares a state of emergency during a situation like a pandemic. Under current law, the governor, in a declaration of a state of emergency, can call upon trained pharmacists to assist in vaccinating the public. This bill as amended allows that vaccination to occur in a pharmacy if a state of emergency is declared. Because of a current high vaccination rate in this state, the committee saw no reason to expand further the authorization consent. Vote 17-0.

**Amendment (0343h)**

Amend the title of the bill by replacing it with the following:

AN ACT allowing collaborative pharmacy practice agreements to include pharmacy locations during declared emergencies.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Pharmacies; Collaborative Pharmacy Practice Agreements. Amend RSA 318:16-a, III by inserting after subparagraph (d) the following new subparagraph:

(e) Pharmacy locations during a state of emergency declared by the governor.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill allows collaborative pharmacy practice agreements to include pharmacy locations during a declared state of emergency.

**HB 345**, relative to certification of death certificates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: The prime objective of this bill is to improve the accuracy and timeliness of the completed death certificate. This is best accomplished by making two changes to the "Burial and Internment" and "Vital Records Administration" statutes: 1) granting Advanced Registered Nurse Practitioners (ARNP) the authority to certify as to the cause of death; and, 2) requiring that all certifying providers do so by electronic means. Certification as to a cause of death is most likely to be accurate when done by the provider who diagnosed and treated the patient in the last illness. (If a death is unexpected, it falls to the State Medical Examiner to determine cause.) Although this was always a physician when Chapter 290 was first enacted (1935), that is no longer the case. Patients who die at home or in a nursing home are often under the care of an ARNP in their final days. The ARNP has the most current and accurate knowledge relative to cause of death and should be the provider of choice to certify the death record. The NH Board of Nursing has affirmed that the knowledge and skills needed to identify the cause of death for patients in their care is within the existing scope of practice of the nurse practitioner. Scope of practice for the nurse practitioner is codified in law, in the newly revised and updated Nurse Practice Act (NH RSA 326-B). HB 345 would make the outdated burial and vital records statutes consistent with the Nurse Practice Act and current medical practice. Ten other states, including ME, MA and CT, authorize this practice. The second issue is the electronic filing. By requiring all certifying providers to complete the death certificate electronically, accuracy and time-

liness are further enhanced. For example, the computer software to be used by the state will not accept misspelled entries or incomplete dates. Electronic filing also expedites the process, which allows family members to move forward with funeral arrangements, especially important in cases where the remains are to be cremated or transported across state lines. The principal cost associated with this change is in training the certifying providers, but funds exist within the department to cover this cost. The amendment eliminates the committee which was to determine statutory changes necessary to accomplish changes made in section one of the original bill. It also clarifies statutes germane to this bill. This bill represents a collaborative effort of the stakeholders, and offers a win-win solution. There was no opposition. Vote 15-1.

#### **Amendment (0087h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Vital Records; Definition Added. Amend RSA 5-C:1, I to read as follows:

I. ***“Advanced registered nurse practitioner” or “ARNP” means a registered nurse currently licensed by the New Hampshire board of nursing under RSA 326-B:18.***

I-a. “Ancestry” means the nationality, lineage, or country in which the person or his or her ancestors were born before their arrival in what is now the United States, and includes American Indians and native Alaskans, and reflects what the person considers himself or herself to be and is not based on percentages of ancestry.

2 Vital Records; Definitions. Amend RSA 5-C:1, III-V to read as follows:

III. “Attending physician” ***or “ARNP”*** means that physician ***or ARNP***, if any, who treated the patient during his or her last sickness.

IV. “Certifier” means the person attesting to the facts of a vital record event.

V. “Certifying physician” ***or “ARNP”*** means the physician ***or ARNP*** who determines and indicates the cause of death.

3 Death Registration Forms. Amend RSA 5-C:62, I to read as follows:

I. For every death that occurs in the state of New Hampshire, a death record shall be filed electronically by a funeral director, certifying physician ***or ARNP***, next of kin, designated agent, or clerk of the town or city with the division within 36 hours of death and prior to final disposition or entombment.

4 Death Registration Forms. Amend RSA 5-C:62, II(e) to read as follows:

(e) If the place of death is a hospital, the record shall indicate: whether the person was an in-patient or whether the person was an outpatient or emergency room patient, in which case the person shall have arrived alive at the hospital’s emergency room and died while in the emergency room as an outpatient. The record shall also indicate whether the person was transported while alive to the hospital but determined by a physician ***or ARNP*** to be dead at the time the hospital received the body. The city or town where the hospital is located shall be shown as the city or town of death occurrence.

5 Death Registration Forms. Amend RSA 5-C:62, III(c)-(e) to read as follows:

(c) The official capacity of the registered nurse or physician, which shall be: attending/associate physician ***or ARNP***; non-attending physician ***or ARNP***; pronouncing registered nurse; medical examiner/deputy medical examiner; temporary/assistant medical examiner; or assistant deputy medical examiner, non-physician.

(d) The date pronounced.

(e) Certification that the above information provided is true, which shall include but not be limited to the pronouncing person’s signature; the name and title of the individual who pronounced death; the New Hampshire license number of the physician ***or ARNP***, if applicable; whether the death was referred to the medical examiner; and the name and address of the physician ***or ARNP*** responsible for determining the cause of death. The individuals listed above shall provide or verify for the death record whether or not the death was referred to the medical examiner.

6 Death Registration Forms. Amend RSA 5-C:62, IV-VI to read as follows:

IV. The individuals listed in paragraph III, except the pronouncing registered nurse, shall provide the following information:

(a) The immediate cause of death and the interval between onset and death; other factors or conditions of which death was a consequence, when applicable, and the interval between onset and death; other significant conditions contributing to death but not related to the immediate cause of death.

(b) Whether or not an autopsy was performed and whether or not autopsy findings were available prior to the determination of the cause of death.

(c) The manner of death, indicated as natural, accidental, suicidal, homicidal, pending investigation, or undetermined.

(d) If the death involved an injury, the month, day, year, and time of injury shall be provided. If the exact date of injury is unknown, it shall be approximated by the person completing the medical certification, noted as approximated or estimated on the death record, and, if it is not possible for the physician *or ARNP* to make an estimation, the date of injury shall be indicated as "unknown". If the exact time of injury is unknown, it shall be approximated by the person completing the medical certification and noted as approximated or estimated on the death record. If it is not possible for the physician *or ARNP* to make an estimation, the time shall be indicated as "unknown." "Unknown a.m." or "unknown p.m." shall not be an acceptable entry. The record shall also indicate whether the injury occurred while at work, a description of how the injury occurred, and the physical location or place of injury.

(e) The name, address, title, and license number of the certifier and the date certified.

V. The certifying physician *or ARNP* shall indicate whether he or she is or is not the same individual who pronounced the death. The certifying physician *or ARNP* shall indicate whether he or she is the medical examiner. He or she shall sign the form, attesting to the veracity of the information as follows:

(a) A certifying physician *or ARNP* shall attest to the veracity of the stated time, date, and place that the death occurred.

(b) A medical examiner shall attest to the veracity of the stated time, date, place, cause, and manner of the death.

VI. The attending or certifying physician *or ARNP* shall provide the following information for a supplemental death certificate: the deceased's name; the date of death; the time of death; the place of death; the name of the pronouncer; the New Hampshire [physician] license number of the pronouncer; the official capacity of the pronouncer; the date pronounced dead; the signature of the pronouncer; the date signed; whether this death was referred to the medical examiner; the cause of death; the performance of autopsy, indicated as yes or no; the availability of autopsy findings prior to determination of cause of death, indicated as yes or no; the manner of death; the time, date, and place of injury; whether or not the injury occurred at work; the description of how the injury occurred; the location specified as street and number or rural route number, city or town, and state; the name of the certifier; the signature and title of the certifier; the New Hampshire [physician] license number of the certifier; the date signed; and the name and address of the person who determined the cause of death.

7 Initiation of the Death Record. Amend RSA 5-C:63, I-VIII to read as follows:

I. When a death occurs in a hospital or health care facility and the death is not under the jurisdiction of a medical examiner pursuant to RSA 611:4, the person in charge of such facility, or his or her designated representative, shall provide the funeral director, next of kin, or designated agent with: a partially completed death record and the name and address of the physician *or ARNP* who will be responsible for supplying the cause of death information before the body is removed.

II. The funeral director, next of kin, or designated agent shall, pursuant to RSA 290:12, leave with the hospital or health care facility, or with the person from whom the body is received, a receipt showing the name of the decedent, the name and license number of the funeral director, if applicable, the name and address of the person to whom the body is released, and the date and hour of removal from the facility.

III. No hospital or other health care facility shall give a partially completed death record which includes medical certification or which is awaiting medical certification to anyone other than a funeral director, next of kin, or designated agent.

IV. When a death occurs some place other than an institution, the funeral director, next of kin, or designated agent, who first assumes custody of the dead body, shall initiate the death record if the attending physician *or ARNP* has not done so.

V. The funeral director, next of kin, or designated agent shall obtain the information on the deceased for completion of the death record from the next of kin or the best qualified person or source available and shall obtain the medical certification from the attending physician *or ARNP* or medical examiner if not already provided.

VI. If additional information becomes known regarding the death, an additional death record marked "supplemental" shall be sent to the division and shall include information listed in RSA 5-C:62, VI.

VII. Upon receipt and inspection of a paper death certificate the state registrar shall return an incomplete certificate to the appropriate persons for completion or verify that the certificate is complete by signing and dating the certificate.

VIII. The reverse side of the death certificate shall contain a notice to the physician *or ARNP* regarding the release of a body in accordance with RSA 290:2-a, the necessity of a pronouncement in accordance with RSA 290:1-b and indication of who can provide alternate signatures in the absence of the attending physician *or ARNP*, in accordance with RSA 290:1-b. The reverse side of the certificate shall also contain a reference to those categories of death that fall under the jurisdiction of the medical examiner as specified in RSA 611:4.

8 Medical Certification of the Death Record. Amend RSA 5-C:64 to read as follows:

5-C:64 Medical Certification of the Death Record.

I. Medical certification shall consist of the pronouncement of death and the medical certification of the cause of death.

II. The medical certification on the death record shall be completed by the attending physician *or ARNP* or certifying physician *or ARNP* and made available to the funeral director, next of kin, or designated agent as soon as possible but no later than 36 hours after the time of death.

III. Medical certification of the death record shall be the direct responsibility of the attending physician *or ARNP* unless the death is referred to the medical examiner pursuant to RSA 611:4.

IV. For cases where a death is not within the jurisdiction of the medical examiner, the attending physician's *or ARNP's* responsibility to complete the death certificate shall be as follows:

(a) For deaths occurring in a hospital, the attending physician *or ARNP* shall be that physician *or ARNP* who had been responsible for the treatment of the patient while the deceased had been hospitalized.

(b) For deaths occurring in a nursing home or in a similar non-acute care hospital or institution, the attending physician *or ARNP* shall be the physician *or ARNP* who regularly attends to the medical needs of the nursing home residents or the resident's personal physician *or ARNP* if the resident was under the care of such physician *or ARNP*.

(c) For deaths occurring at home, the attending physician *or ARNP* shall be the deceased's own physician *or ARNP*.

V. In all instances, medical certification shall include the cause of death information and contain the pronouncement of death.

VI. In the absence of the deceased's attending physician *or ARNP*, or with the attending physician's *or ARNP's* approval, the medical certification of a death due to natural causes shall be completed by one of the following individuals: the attending physician's *or ARNP's* associate physician *or ARNP* in medical practice, the chairperson of the applicable clinical department, the chief medical officer of the hospital, the physician *or ARNP* or designee who performed an autopsy upon the decedent, or the physician *or ARNP* on duty if the death occurred in the hospital emergency room. The person determining the cause of death shall attest to its accuracy. The person determining the cause of death shall have viewed the deceased within 24 hours after death.

VII. In the absence of the attending physician *or ARNP*, a physician or a registered nurse in accordance with RSA 290:1-b, shall pronounce that death has occurred without any reference to the cause of the death by indicating his or her official status as the pronouncing physician or as pronouncing registered nurse; attesting to the accuracy of the time, date, and place of death either by signature or by an electronic process as outlined in RSA 290:1; and providing the name and address of the physician *or ARNP* who will complete the medical certification.

VIII. When the death has not occurred in a hospital and circumstances require the death certificate to be certified by a medical examiner as provided by RSA 611, the following procedure shall be followed:

(a) When the cause of death cannot be determined within 36 hours, the medical examiner shall indicate the word "pending" in the cause of death section.

(b) When the manner of death cannot be determined within 36 hours, the medical examiner shall be authorized to show "pending investigation" in the manner of death section of the medical certification.

(c) If the procedure in subparagraphs (a) or (b) is followed, then the medical examiner shall provide to the division updated information on the cause of death and manner of death, as applicable, within 90 days of the date of death, or as soon as practicable in cases of missing persons, accidental deaths, or homicides.

IX. In cases where an autopsy is to be performed, the cause of death shall not be deferred pending a full report of microscopic and toxicological studies. Supplemental death certificate information shall be submitted by the medical examiner to the division as additional information becomes available and when autopsy results or other investigation indicates a need to correct the original cause of death information.

X. Pursuant to RSA 290:1, the funeral director, next of kin, or designated agent shall ensure the medical certification has been completed prior to filing the death record with the state registrar.

XI. In cases where the result of an autopsy, police investigation, laboratory report, or a similar source is needed before a final determination of the cause of death can be made, the attending physician *or ARNP* or the medical examiner shall utilize the term "pending" for the applicable items on the death record. The physician *or ARNP* shall file a statement of findings with the division within 90 days of the date of death, or as soon as practicable. The findings shall be in writing and submitted to the division on a supplemental death certificate information form supplied by the division or on the physician's *or ARNP's* letterhead and include information necessary for the completion of a supplemental death certificate.

XII. The division shall follow up with the certifying physician *or ARNP* or the medical examiner on any death record where cause of death was shown as "pending". The division shall attempt to obtain the missing information by initiating a written query to the certifying physician *or ARNP* or the medical examiner 90 days from the date of death to determine current status of the investigation and shall initiate monthly contact thereafter until the final determination of death has been made.

XIII. When an autopsy finding differs from the original cause of death reported on the death record, the attending physician *or ARNP* who was responsible for the original death record shall send the division a supplemental death certificate information form to reflect the revised cause of death. The supplemental report shall be made part of the existing death record, and the division shall amend the death record with the cause of death as reported on the autopsy.

XIV. If there is any question on the part of the physician *or ARNP* as to whether he or she qualifies as the attending physician *or ARNP* under RSA 290:1, a determination shall be made by the medical examiner.

XV. If it is not possible to determine who is the attending physician *or ARNP* for purposes of preparing the death certificate, the matter shall be brought to the attention of the state registrar who shall make a request to the state medical examiner, or designee, to determine who the attending physician *or ARNP* is upon review of the facts submitted.

9 Responsibility of Funeral Director, Next of Kin, or Designated Agent. Amend RSA 5-C:66, I and II to read as follows:

I. When a funeral director, next of kin, or designated agent is requested to take custody of a body, he or she shall first ascertain whether a pronouncing physician, pronouncing registered nurse, *ARNP*, or a medical examiner has established the cause of death and released the body for final disposition.

II. If a physician *or ARNP* was present at or immediately after the death, the funeral director, next of kin, or designated agent shall obtain medical certification for the death record in accordance with RSA 5-C:64.

10 Reporting Fetal Deaths. Amend RSA 5-C:74, I to read as follows:

I. A copy of the fetal death report prepared pursuant to RSA 290:1-a and RSA 5-C:75, shall be forwarded to the division by either the person in charge of the hospital or institution where the fetal death occurred, or the physician *or ARNP* in attendance at or after delivery when a fetal death occurs outside a hospital or institution.

11 Delayed Registration of Death. Amend RSA 5-C:80, II- IV to read as follows:

II. A certificate of death registered 6 months or more after the date of death or the presumed date of death shall be marked "delayed" by the registrar and include the date of the delayed filing.

III. For those certificates filed 6 months or more after the date of death, the physician, *ARNP*, or medical examiner and the funeral director shall submit an affidavit stating the reason why the death certificate was not filed in a timely manner.

IV. In the absence of the attending physician *or ARNP* or medical examiner and the funeral director, the certificate shall be filed by the next of kin or designated agent of the decedent. The certificate shall be accompanied by a notarized affidavit of the person initiating the filing, swearing to the accuracy of the information and explaining the reasons why the certificate has not been filed previously. Two additional notarized or certified documents that identify the decedent, the decedent's date and place of death, and the circumstances surrounding the decedent's death shall also be attached to the certificate. A summary statement of the evidence submitted in support of the delayed registration shall be prepared by the clerk of the town or city of death occurrence on the certificate, and the certificate shall be marked "delayed." When all of the evidence has been gathered, the clerk of the town or city of death occurrence shall forward the application for a delayed death certificate and all supporting documentation to the state registrar.

12 Queries. Amend RSA 5-C:81, II to read as follows:

II. Queries to obtain missing information or to clarify submitted information shall be made by the division to the attending or certifying physician *or ARNP* concerning the cause of death and related information, and to the funeral director, next of kin, or designated agent concerning all other information.

13 Amendments and Corrections to a Death Record. Amend RSA 5-C:94, II-V to read as follows:

II. The certifying physician *or ARNP* shall initiate corrections concerning the cause of death, in writing, to the division, by signing and completing the supplemental death certificate as described in RSA 5-C:62.

III. The correction authorization from the physician *or ARNP* shall be retained by the division in accordance with the retention schedule for a death record as established by this chapter. The death record shall be amended and noted as being amended.

IV. In the case where the division queries the physician *or ARNP* concerning the cause of death, the physician *or ARNP* shall send notice of the change in the cause of death directly to the division.

V. The physician's *or ARNP's* information concerning a change in the cause of death shall be retained by the division in accordance with the retention schedule for a death record established by this chapter. The death record shall be amended and noted as being amended.

14 Retention Schedule. Amend RSA 5-C:96, I(b) to read as follows:

(b) All death records, including changes affecting medical certification, submitted by the physician *or ARNP* to either the clerk of the town or city or the division.

15 Death Records. Amend RSA 290:1 to read as follows:

290:1 Death Records. Whenever a person shall die, the physician *or advanced registered nurse practitioner* attending at the last sickness shall complete and deliver to the funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17 or shall complete electronically and forward immediately to the division of vital records administration, a death record, duly signed, setting forth, as far as may be, the facts required by the department of state, division of vital records administration pursuant to RSA 5-C:63. The cause or causes of death shall be printed or typed on all records required to be furnished under this section. The funeral director, next-of-kin, or designated agent shall transmit electronically the record of death to the division of vital records administration *and the certifying physician or advanced registered nurse practitioner shall then electronically complete the cause of death information into the transmitted record.*

16 Fetal Death Records. Amend RSA 290:1-a to read as follows:

290:1-a Fetal Death Records. Whenever a fetal death shall occur, the attending physician *or advanced registered nurse practitioner* shall fill out a fetal death record. This will be solely a statistical report.

17 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill allows advanced registered nurse practitioners to certify death records.

**HB 389**, establishing a commission to study long-term care oversight and enforcement. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill created a commission to study the survey process in nursing homes, which is reported to have become increasingly arbitrary and inconsistent. It also would evaluate whether the frail elderly are being



adequately protected by the Department of Health and Human Services against abuse and neglect. The committee believed that these critical issues will be better and more expeditiously resolved by the Health and Human Services Oversight Committee. Vote 18-0.

**HB 483-FN**, relative to mosquito control districts. **OUGHT TO PASS.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill recommends putting into statute two recommendations of the Arbovirus Task Force established in 2006 by HB 1464 (Chapter 284). The first recommendation was to clarify a possible ambiguity between two statutes (RSA 141-C:25 and RSA 430). This bill would provide the same definition of a mosquito control district. The second change repeals an exemption that had been inadvertently placed in statute. There will be no exemption from the application registration certificate and permit requirements (RSA 430:33). These are essentially housekeeping changes, but they are of significance in the operation of the mosquito control districts. This bill was requested by the Department of Health and Human Services and is supported by the Department of Agriculture. Vote 17-0.

**HB 490-FN**, requiring hospitals to make the price of certain common procedures available to the public. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne S. Butcher for Health, Human Services and Elderly Affairs: The sponsor requested that this bill be Inexpedient to Legislate, as it was requested by a constituent who has since asked that it be withdrawn. The New Hampshire Insurance Department and the Commissioner's Advisory Committee on Health Insurance recently released the Health Care Cost of Procedure web site (HealthCost.org), so the bill is unnecessary. Vote 18-0.

**HB 542**, establishing a study committee to study the approval process of nursing education programs. **OUGHT TO PASS.**

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: This bill will establish a committee to study the approval process of nursing education programs. There is a need to develop a system of providing nursing education programs that are fully accredited by a national body. Currently there is no New Hampshire law against anyone starting a nursing program without academic oversight and no requirement for accreditation. The current process requires legislation for someone to begin the approval procedure. The Department of Education next looks at the program, and lastly the New Hampshire Board of Nursing reviews the curriculum and faculty. Perhaps this system is backwards. There is a nursing shortage in New Hampshire. Fewer than 500 nurses graduate each year and fewer than 400 remain in New Hampshire. Another current issue is the private proprietary LPN programs that have been opening at our borders. Massachusetts requires their programs to have an affiliation with a higher education body and full national accreditation. Vermont also has accreditation requirements. Thus, the schools are opening in New Hampshire where there are no such accreditation or affiliation requirements. Legislation or administrative rules are desirable. New Hampshire Post Secondary Education rules allow individuals to apply to open a school as long as they have bonding and financial support for their program. Upon licensure, the program submits their curriculum to the Board of Nursing for review. The Board doesn't know if the owners are truthful about the bonding or their financial status. They often do not find out until the school has left the area, leaving with the students' money and not providing the education. Vote 18-0.

**HB 152**, relative to public access to meeting minutes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maureen C. Mooney for Judiciary: This bill will specifically clarify the amount of time in which the minutes of public meetings are due for public inspection. The bill modifies the deadline to "not more than 5 business days" after a meeting, and explicitly defines a business day. The decision for 5 business days was the result of much discussion. However, the committee concluded that finalized minutes after 5 business days will ensure they are ready for the next meeting of the public body. Vote 16-0.

**Amendment (0214h)**

Amend the bill by replacing sections 1 and 2 with the following:

1 Joint Committee on Legislative Facilities; Minutes of Meetings. Amend RSA 17-E:6 to read as follows:

17-E:6 Committee Records. A record of the minutes of committee and subcommittee meetings shall be available to the public and shall be maintained in accordance with the provisions

of RSA 91-A:2, II. The minutes shall include the names of members in attendance and of persons appearing before the committee, and a brief description of the subjects discussed, votes taken, and final dispositions of all actions. The minutes shall be available and open to public inspection [~~within 144 hours of~~] **not more than 5 business days after** the meeting. The record of the minutes of the joint committee on legislative facilities and the house and senate subcommittees shall be available at the office of legislative accounting. ***For the purposes of this section, a business day means the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays.***

2 Right-to-Know Law; Minutes of Meetings. Amend RSA 91-A:2, II to read as follows:

II. All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies. Except for town meetings, school district meetings and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection [~~within 144 hours of~~] **not more than 5 business days after** the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the body or agency who shall employ whatever means are available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or guidelines or rules of order of any body or agency described in RSA 91-A:1-a require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter. ***For the purposes of this paragraph, a business day means the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays.***

#### AMENDED ANALYSIS

This bill requires minutes of meetings under the right-to-know law to be available for public inspection 5 business days after the public meeting. Current law requires such minutes to be available within 144 hours of the public meeting.

**HB 509**, relative to constitutionality of law. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: The bill reserves to the General Court the sole power to determine the constitutionality of any law unless there is a specific constitutional delegation to the contrary. The committee does not believe that the desire of the sponsor will be furthered by this bill. The testimony regarding the desired result of the bill did not follow logically from the text. Vote 13-0.

**HB 426**, relative to workers' compensation rates and resolution of disputes relative to classification of employees or independent contractors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John K. Knowles for Labor, Industrial and Rehabilitative Services: This bill gives the labor commissioner legal authority to resolve disputes over employee classifications, and provides an appeal process. The cost of one new position will be \$55,000, which is funded from non-general funds. Vote 17-1.

#### Amendment (0476h)

Amend the bill by replacing all after section 3 with the following:

4 New Paragraph; Hearings and Awards; Premiums. Amend RSA 281-A:43 by inserting after paragraph II the following new paragraph:

III.(a) The commissioner may conduct investigations and hold hearings to resolve disputes between an employer and the employer's workers' compensation carrier regarding whether per-

sons engaged by the employer are employees or independent contractors for the purposes of determining whether an additional premium charge is to be paid by the employer for workers' compensation insurance.

(b) Any party in interest aggrieved by any order or decision of the commissioner under this paragraph may appeal to the superior court.

5 Position Established. There is hereby established within the department of labor the position of administrative assistant I, labor grade 16, to carry out the responsibilities required under RSA 281-A:43, III as inserted by section 4 of this act. The position shall be funded from monies from the workers' compensation division of the department of labor.

6 Effective Date. This act shall take effect January 1, 2008.

#### AMENDED ANALYSIS

This bill authorizes the insurance commissioner to conduct investigations and hold hearings to resolve disputes regarding whether persons engaged by the employer are employees or independent contractors for the purposes of workers' compensation. This bill also allows the insurance commissioner to conduct investigations and hold hearings regarding whether additional premium charges should be paid by an employer for workers' compensation insurance.

**HB 471-FN-A**, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Saghir A. Tahir for Labor, Industrial and Rehabilitative Services: This bill is the result of the work of a committee created by HB 157, Chapter 132, 2005, to study procurement methods for public works projects by state and local government agencies. Among other things, the study revealed problems in determining if contractors on state projects are in compliance with workers' compensation laws. The bill closes a loophole in the existing law that has allowed construction workers to avoid carrying workers' compensation insurance. The law will continue to provide for up to three executive officers in a corporation to be excluded from compulsory coverage requirements provided they are not actively engaged in on-site work on any construction site in the state of New Hampshire. Any contractor or subcontractor performing work on state transportation or other major construction projects must provide to the commissioners of transportation, administrative services, and labor verification that they are in compliance with all workers' compensation laws. A civil penalty of up to \$2,500 shall be assessed by the Commissioner of Labor to any contractor, subcontractor, or independent contractor who falsifies information or fails to comply with this law. The employer shall be assessed a civil penalty of \$100 per employee per day of non-compliance. Fines will be placed in a workers' compensation fraud fund dedicated to investigation and compliance activities pertaining to labor and insurance law. Vote 14-3.

#### Amendment (0449h)

Amend the bill by replacing all after the enacting clause with the following:

1 Workers' Compensation; Exclusion Limited. Amend RSA 281-A:18-a, I to read as follows:

I. Any corporation or limited liability company may elect to exclude up to 3 executive officers or members from the compulsive coverage requirements under this chapter; *provided, that such exclusion shall not apply to any individual, regardless of status or title within a corporation or limited liability company, who is actively engaged in on-site work on any construction site within the state of New Hampshire.*

2 New Section; State Transportation Projects; Certification of Current Workers' Compensation Coverage Required. Amend RSA 228 by inserting after section 4-a the following new section:

228:4-b Certification of Current Workers' Compensation Coverage Required.

I. Prior to any work being done by an individual contractor on any state transportation project carried out under this subdivision, such contractor, including all subcontractors and independent contractors, working on a highway, bridge, or other construction, reconstruction, alteration, or maintenance project funded by the department shall provide to the commissioner of transportation:

(a) A certificate of insurance of his or her current workers' compensation coverage in New Hampshire for the classification of work to be completed on the project;

(b) A sworn statement that this coverage shall remain in effect for the duration of his or her anticipated work on the project;

(c) A completed work certificate, provided pursuant to RSA 281-A:4-b, that shall include the total number of employees anticipated to be employed by such contractor, subcontractor, or independent contractor on the project during the contract period, delineated by the National Council on Compensation Insurance (NCCI) classification code applicable to the scope of work to be performed;

(d) A copy of the contractor's compliance with a current written safety program, if applicable, as filed with the commissioner of labor under RSA 281-A:64, II and proof of an existing joint loss management committee as required under RSA 281-A:64, III, if applicable; and

(e) Any other information the commissioner of transportation deems necessary.

II. If any highway, bridge, or other construction contractor, subcontractor, or independent contractor who might otherwise claim an exclusion under RSA 281-A:18-a is directly performing the work on a project covered under this section, such contractor, subcontractor, or independent contractor shall comply with the provisions of this section.

III. The commissioner of labor shall assess any contractor, subcontractor, or independent contractor who falsifies information or fails to comply with this section a civil penalty of up to \$2,500 and in addition, such an employer shall be assessed a civil penalty of \$100 per employee per day of noncompliance. The chief executive officer, chief financial officer, and members of limited liability companies shall be held personally liable for the payment of fines and such contractor, subcontractor, or independent contractor shall not be allowed to bid or work on state projects for up to 5 years. The state shall be entitled to recover from the violator all costs and fees directly associated with uncovering falsified information supplied under this section.

IV. There is hereby established a nonlapsing workers' compensation fraud fund in the office of the state treasurer. All funds collected under this section shall be deposited in such fund and continually appropriated to the commissioner of labor to be used for investigations and compliance activities required under this section and related sections pertaining to labor and insurance law.

V. The commissioner of labor shall appoint as many individuals as necessary to carry out the department's responsibilities under this section.

VI. On a quarterly basis, the commissioners of transportation and labor shall post electronically for public access and shall also circulate to all other public works construction or renovation awarding authorities of state government, including the college and university systems and the department of education office of building aid, a list of any highway, bridge, or other construction contractors, subcontractors, or independent contractors found to be in violation of this section, including the amount fined and the period of time such persons or entities shall not be allowed to bid or work on state projects.

3 New Paragraph; Major Projects. Amend RSA 21-I:80 by inserting after paragraph V the following new paragraph:

VI.(a) Prior to any work being done by an individual contractor on any major project under this section, such contractor, including all subcontractors and independent contractors, shall provide to the commissioner of administrative services:

(1) A certificate of insurance of his or her current workers' compensation coverage in New Hampshire for the classification of work to be completed on the project;

(2) A sworn statement that this coverage shall remain in effect for the duration of his or her anticipated work on the project;

(3) A completed work certificate, provided pursuant to RSA 281-A:4-b, that shall include the total number of employees anticipated to be employed by such contractor, subcontractor, or independent contractor on the project during the contract period, delineated by the National Council on Compensation Insurance (NCCI) classification code applicable to the scope of work to be performed;

(4) A copy of the contractor's compliance with a current written safety program, if applicable, as filed with the commissioner of labor under RSA 281-A:64, II and proof of an existing joint loss management committee as required under RSA 281 A:64, III, if applicable; and

(5) Any other information the commissioner of administrative services deems necessary.

(b) If any construction contractor, subcontractor, or independent contractor who might otherwise claim an exclusion under RSA 281-A:18-a is directly performing the work on a project covered under this section, such contractor, subcontractor, or independent contractor shall comply with the provisions of this section.

(c) The commissioner of labor shall assess any contractor, subcontractor, or independent contractor who falsifies information or fails to comply with this section a civil penalty of up to

\$2,500 and in addition, such an employer shall be assessed a civil penalty of \$100 per employee per day of noncompliance. The chief executive officer, chief financial officer, and members of limited liability companies shall be held personally liable for the payment of fines and such contractor, subcontractor, or independent contractor shall not be allowed to bid or work on state projects for up to 5 years. The state shall be entitled to recover from the violator all costs and fees directly associated with uncovering falsified information supplied under this section.

(d) All funds collected under this section shall be deposited into the nonlapsing workers' compensation fraud fund established in RSA 228:4-b, IV dedicated to investigation and compliance activities required by this section and related sections pertaining to labor and insurance law.

(e) The commissioner of labor shall appoint as many individuals as necessary to carry out the department's responsibilities under this paragraph.

(f) On a quarterly basis, the commissioners of administrative services and labor shall post electronically for public access and shall also circulate to all other public works construction or renovation awarding authorities of state government, including the college and university systems and the department of education office of building aid, a list of any construction contractors, subcontractors, or independent contractors found to be in violation of this section, including the amount fined and the period of time such persons or entities shall not be allowed to bid or work on state projects.

4 New Section; Work Certificate for Contractors Before Beginning Their Work on Public Projects. Amend RSA 281-A by inserting after section 4-a the following new section:

281-A:4-b Work Certificate for Contractors Before Beginning Their Work on Public Projects. The commissioner of labor shall provide a work certificate form to meet the requirements of the departments of transportation and administrative services, in accordance with RSA 228:4-b or RSA 211:80, VI, for contractors, subcontractors, and independent contractors to certify their compliance with RSA 281-A.

5 New Subparagraph; Workers' Compensation Fraud Fund. Amend RSA 6:12, I by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the workers' compensation fraud fund established in RSA 228:4-b, IV.

6 Effective Date. This act shall take effect 60 days after its passage.  
Referred to the Committee on Ways and Means.

**CACR 12**, relating to county personnel. Providing that county treasurers, registers of probate, county attorneys, sheriffs, and registers of deeds shall be appointed by the county commissioners. **INEXPEDIENT TO LEGISLATE.**

Rep. Andy Peterson for Municipal and County Government: This constitutional amendment which proposes sweeping changes to county government encountered significant opposition when heard before the committee. Without separate elected officers, many were concerned that county government could suffer a loss of independent review procedures and transparency in decision making, now subject to the will of the voters. In addition, testimony revealed that registers of probate are not county officers per se, but rather state employees, whom the amendment includes in officials required to be appointed by the county commissioners. Vote 16-0.

**HB 237**, establishing a committee to study the relationship between land use regulation and the cost of housing. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Elliott for Municipal and County Government: This issue is very complicated and has been studied and re-studied many times and in many other bills. Such issues are best discussed at local town meetings and school district meetings. The state does not determine local taxes, the local budget does. This bill is superfluous. Vote 14-0.

**HB 256**, relative to the duties and powers of town treasurers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bennett F. Moore for Municipal and County Government: This bill allows a town treasurer to delegate, while retaining responsibility of the treasurer's duties under written procedures acceptable to the selectman or town manager. The bill also updates the language describing financial institutions that are used for deposits and investments of town funds and adds a requirement for an investment policy used by the selectmen. The amendment clarifies language on remittance from the tax collector, town clerk or other town officials to any designee of the treasurer. The amendment also updates, for cities, the language describing financial institutions to be used for deposits and investments and similarly adds the requirement for an investment policy for cities. Vote 16-0.

**Amendment (0170h)**

Amend the bill by replacing sections 5-6 with the following:

5 Duties of Tax Collector. Amend RSA 41:35, I to read as follows:

I. Every collector of taxes shall keep in suitable books a fair and correct account in detail of the taxes due, collected, and abated, and of all property sold for nonpayment of taxes, which books shall be public records. A tax collector shall ~~[pay]~~ **remit** all money collected to the town treasurer, **or to the town treasurer's designee as provided by RSA 41:29, VI**, at least on a weekly basis, ~~[or on a daily basis at the discretion of the commissioner of revenue administration. Such daily or weekly payments may be deferred until the]~~ **or daily whenever** tax receipts total \$500 **or more**. ~~[He]~~ **The collector** shall make final payment to the town treasurer of all moneys collected ~~[by him]~~ within 10 days after the close of the town's fiscal year. Failure to ~~[deposit]~~ **remit** collections on a timely basis **as required by this paragraph** shall be cause for immediate removal from office under RSA 41:40. He **or she** shall submit ~~[his]~~ **the** tax books and lists to the treasurer and selectmen for inspection and computation when requested so to do and if they discover any errors therein they shall immediately notify the town auditors thereof; and the auditors shall promptly examine the collector's records and make a written report to the selectmen and the department of revenue administration of their findings, conclusions and recommendations. The collector shall be at ~~[his]~~ **a** usual place of business, or any other place, at least one day each month for at least 2 hours continuously for the transaction of tax business, which time and place shall be printed upon the tax bills sent out by the collector. ~~[He]~~ **The collector** shall make a written report to the town at the end of each fiscal year which shall contain the amount of the taxes committed to him **or her** to collect; the amount of taxes collected, together with interest thereon; the amount of discounts allowed; the amount of taxes abated; the total amount of uncollected taxes; and an account of all sales of real estate ~~[by him]~~ to collect taxes. Upon written request therefor the collector shall provide the selectmen with an itemized list of the uncollected taxes at the end of the fiscal year.

6 Accounting for Receipts of Permit Fees. Amend RSA 261:165 to read as follows:

261:165 Accounting for Receipts of Permit Fees. Each designated city official and town clerk shall keep an account of the money received by him **or her** for vehicle permit fees collected. The clerk or official shall ~~[pay]~~ **remit** all fees collected to the town or city treasurer, **or to the treasurer's designee as provided by RSA 41:29, VI**, at least on a weekly basis, or ~~[more frequently at the discretion of the commissioner of revenue administration. Such payments may be deferred until the]~~ **daily whenever** permit fee receipts total \$500 **or more**. Such permit fees shall be used for the general purposes of the city or town. Failure of the city official or town clerk to ~~[deposit]~~ **remit permit fees on a timely basis as required by this section** ~~[such funds on a weekly basis, or, if required by the commissioner of revenue administration, on a more frequent basis;]~~ shall be cause for the immediate removal **from office under RSA 41:40** of the city official **or under RSA 41:16-c of the** town clerk ~~[from office. The commissioner of revenue administration shall remove the town clerk pursuant to RSA 41:16-c or city official pursuant to RSA 41:40]~~. Town clerks shall be paid on orders drawn on the town treasurer by the selectmen at the rate of \$.50 for each permit issued.

Amend the bill by inserting after section 6 the following and renumbering the original sections 7 to read as 9:

7 Duties of City Treasurer. Amend RSA 48:16 to read as follows:

48:16 City Treasurer; Duties.

I. The city treasurer shall have custody of all moneys belonging to the city. The treasurer shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in ~~[solvent banks in the state]~~ **federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state**, except that funds may be deposited in **federally insured** banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits~~[-]~~ **of the following types**:

(a) United States government obligations~~[-]~~;

(b) United States government agency obligations~~[-]~~; or

(c) Obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. ~~[The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus, except that a city with a population in excess of 50,000 is authorized to deposit funds in a solvent bank in excess of the paid-up capital surplus of said bank.]~~

II. The city treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the city treasury, and of all notes given by the city, with the particulars thereof. At the close of each fiscal year, ~~[he]~~ **the treasurer** shall make a report to the city giving a particular account of all his ~~or her~~ financial transactions during the year **and account balances at year end.** ~~[He]~~ **The treasurer** shall furnish to the mayor and council statements from ~~[his]~~ **the treasurer's** books, and submit ~~[his]~~ **the** books and vouchers to them and to the city auditors for examination, whenever so requested.

III. Whenever the city treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the city treasurer shall, ~~[with the approval of the mayor and a majority of the city council]~~ invest the same in **accordance with the investment policy adopted by the mayor and board of aldermen or city council under RSA 47:6, II.** ~~The treasurer may invest in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in [savings bank] deposits [of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits and repurchase agreements of banks incorporated under the laws of the state of New Hampshire or in banks recognized by the state treasurer. At least yearly, the city council or board of aldermen shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes], including money market accounts or certificates of deposit, of federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state.~~

IV. The city treasurer shall pay out fees held pursuant to RSA 673:16, II upon the order of the local land use board or its designated agent or in the case of moneys held pursuant to RSA 674:44-a upon order of the heritage commission.

V. ~~[Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall.] The treasurer shall insure that~~ prior to acceptance of ~~[such funds,] any moneys for deposit or investment, including repurchase agreements, the federally insured bank shall~~ make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the city. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

8 Financial Supervision. Amend RSA 47:6 to read as follows:

47:6 Financial Supervision.

**I.** The city councils shall take proper care that no money be paid from the city treasury unless previously granted and appropriated, and shall secure a just and prompt accountability from all persons entrusted with the receipt, custody or disbursement of the money or funds of the city, or the care of its property.

**II.** *At least yearly, the city council or board of aldermen shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes and shall advise the treasurer of such policies.*

**HB 261**, prohibiting the Carroll county attorney from engaging in the private practice of law. **OUGHT TO PASS.**

Rep. Betsey L. Patten for Municipal and County Government: RSA 7:34 states that the county attorneys shall be under the direction of the Attorney General and outlines their duties. Seven of the ten counties also have their own provisions for each county attorney, whether or not they can engage in private practice and accept fees. Carroll County does not allow its county attorney to engage in the private practice of criminal law but he or she may engage in the private practice of civil law. Traditionally the delegation felt that this meant that the position of county attorney was not a full time position. HB 261 removes the option of engaging in private practice and therefor gives the delegation the ability to decide whether they will have a full or part time county attorney. Vote 15-0.

**HB 262**, allowing municipalities to exclude certain retirement assets from consideration in qualifying for the elderly property tax exemption. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for Municipal and County Government: This bill seeks to exclude the total value of assets in 401(k) plans, IRA's (simple and Roth) and SEP plans, and other similar tax deferred retirement plans from being included with other types of assets when determining if a person



qualifies for an elderly exemption. The committee heard testimony that compared the overall value of a Defined Benefit Plan, which is a traditional pension plan that pays out a monthly disbursement, to the overall value of these other retirement plans, which are referred to as Defined Contribution Plans. The committee unanimously feels that because the disbursements from the two types of plans are controlled in two different ways, the implementation of a process to monitor the disbursements would be very complex. The disbursements of these certain retirement assets that are in this bill are controllable by their owners just as other assets such as additional property would be. There is also another method that the municipalities could use if they so desire and that would be to raise the asset limit. There are municipalities in the state that have asset limits as high as \$300,000 with one as high as \$500,000. These asset limits are over and above the value of the owner's actual residence and land not to exceed 2 acres which are excluded in determining a person's asset limit for the elderly exception. Vote 15-0.

**HB 316**, relative to the 5-year assessment review by the department of revenue administration. **OUGHT TO PASS.**

Rep. Larry Brown for Municipal and County Government: It was the agreement of the committee that New Hampshire reliance on the property tax as the primary source of state and local government funding requires the highest degree of clarity and confidence in both municipal assessment and state review. The (sequential) substitution of April 1, 2007 for April 1, 2002 ensures that the DRA Assessment review schedule(s) are continued as good policy and good practice through to April 1, 2012. Vote 14-1.

**HB 320**, relative to the tax exemption for solar energy systems. **INEXPEDIENT TO LEGISLATE.**  
Rep. Anthony F. Simon for Municipal and County Government: This proposal would add language to the existing statutory property tax exemption for solar energy systems. The sponsor introduced this bill as a result of a disagreement that he is having with his town regarding his continuing to enjoy the benefit of this exemption at his own home. There was no testimony that other taxpayers are having the same problem either in this town or any other municipality. The committee did not hear any evidence that this situation illustrates a statewide problem or a need for a legislative change. Rather, this is an individual problem involving one taxpayer and one town. There are ample procedures which already exist by which the sponsor may appeal his assessment or otherwise pursue his grievance. Vote 17-0.

**HB 356**, relative to requiring a comprehensive impact report before a municipality approves or disapproves a proposed development project. **INEXPEDIENT TO LEGISLATE.**  
Rep. Jessie L. Osborne for Municipal and County Government: Currently all land use issues in the municipalities are under the jurisdiction of the planning, zoning and conservation committees. HB 356 would authorize the governing body of a municipality to require comprehensive impact reports. By adding another set of regulations, the cost of development in New Hampshire will increase and affordable housing for New Hampshire citizens would be more out of reach than it is right now. The land use boards already have the tools they need to request any impact studies and they do request them. If the governing body is authorized to make land use decisions then the fundamental purpose for land use boards to deal with development is undermined. The committee felt that this was not an appropriate change to the planning and zoning processes. Vote 16-0.

**HB 420**, relative to the procedures for approving, reviewing, and transferring appropriations in county budgets. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L. Osborne for Municipal and County Government: Each county delegation has the authority to determine procedures regarding any county appropriations and expenditures during the budget deliberations. Not every county has the same procedures. This bill establishes the same procedure for each county. The committee felt that the ideas in the bill would be better addressed by the Task Force to Study County Government, SB 319, Chapter 22:1, Laws of 2006 which has a report date of November, 2007. A copy of the file will be given to that committee for its recommendations. Vote 13-1.

**HB 487**, granting a property tax credit to persons aged 65 and older who have been residents for at least 10 years and not been convicted of a felony. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F. Moore for Municipal and County Government: This bill would have mandated a \$1,000 property tax credit on homes owned by residents aged 65 years or older. The credit would



increase by \$100 each year. The credit is not means tested but would be limited to persons who have not been convicted of a felony for at least 10 years. The committee's recommendation is based on the mandate provision, the lack of a means test and the difficulty of verifying a felony free person in and out of this state. Vote 15-0.

**HB 524**, relative to the submission of minutes of the county convention adopting the budget to the department of revenue administration. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: In order for the Department of Revenue Administration to have the budget information from the counties to set local tax rates a set of the approved County Convention minutes when the vote was taken and the MS 42 form "Budget and Statement of Appropriation and Estimate of Revenue – County" have to be submitted. Sometimes it is difficult to get a quorum of the Delegation together to approve minutes. HB 524 would have extended the current 30 day requirement to a 60 day requirement. The committee felt that this issue would be better addressed by the Task Force to Study County Government, SB 319 Chapter 22;1, Laws of 2006 which has a report date of November, 2007. A copy of the file will be given to that committee for its recommendations. Vote 14-0.

**HB 624-FN-L**, imposing a temporary moratorium on property reassessments and statistical adjustments for all municipalities which have been reassessed at least once since 2003 and establishing a committee to study the rapidly increasing property taxes in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurie J. Boyce for Municipal and County Government: The basis for assessing land in New Hampshire is fair market value. Putting a moratorium on property assessments and statistical adjustments for a year ignores that basis of fair market value and creates inequity among local taxpayers. The valuation rate proposed in HB 624 was targeted for the 2006 valuation. Those tax rates have been set and bills have been sent out and most likely paid. Also the properties that had a change of ownership or had any modifications would not be under the temporary moratorium which creates a greater inequity among taxpayers. HB 624 also proposed a study committee to study and review what is already the charge of the Assessing Standards Board as outlined in RSA 21-J:14 (b). In order to continue making progress to the goal of having documented and transparent assessing practices in New Hampshire the committee voted that any moratorium is not a solution. Vote 15-0.

**HB 645-FN-L**, requiring notice to the public of a change in land use subject to the assessment of the land use change tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: It was the unanimous conclusion of the committee that the bill as presented was not necessary in order for any town to protect its interests when a change in land use tax was due. The committee fully supports such municipal forms and procedures which will ensure proper payment of taxes due, yet it feels these controls are already within the power of the municipality to set in place. Vote 16-0.

**HB 477-FN**, relative to redeeming tokens. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene G. Chandler for Public Works and Highways: The New Hampshire Department of Transportation is opposed to this bill and the committee unanimously agreed. HB 477, if enacted, would allow the redemption of highway tokens for cash from July 1, 2007 to December 1, 2007. It was widely advertised for at least six months that the tokens would no longer be used when the E-Z Pass System was implemented, so everyone had plenty of notice and should not have stocked up on the tokens. Past testimony has shown that while it is uncertain how many tokens are in existence in public hands, in most cases it is just a few tokens per person. The cost of establishing an accounting procedure to handle cash refunds at the Department of Transportation could be quite costly and would seem to outweigh the benefits of returning small amounts of money to a few people. While sympathetic to those that hold the tokens, it is doubtful that few, if any, of those folks were not aware of the deadline and had ample time to use up any surpluses. Vote 15-0.

**HB 486-FN**, requiring that the effect of turnpike tolls on towns be proportional and reasonable. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin T. Tilton for Public Works and Highways: The committee unanimously voted to retain HB 592-FN as the vehicle to study the seven bills that it received regarding toll issues on the N. H. turnpike system. Among the topics that will be studied include: the removal of certain toll booths in Merrimack; the placement and removal of other main line, ramp and bridge toll

booths, whether the Legislature, rather than the Governor and Council, should determine toll amounts and discounts; and the relationship between toll revenues, the turnpike fund and the planned expansion and maintenance of the turnpike. Therefore, the committee is voting out this and the other five toll related bills, as inexpedient to legislate. Vote 15-0.

**HB 512-FN**, relative to commercial advertising on toll booths. **INEXPEDIENT TO LEGISLATE.**  
Rep. Kevin K. Waterhouse for Public Works and Highways: The committee understands and appreciates this bill's attempt to raise needed revenue for the state, but we feel this bill is not the way to proceed. Toll booths can be dangerous enough without the added distractions of commercial advertising. The committee also disagreed with the bill's intent for the revenue raised on the turnpike system to be deposited into the general fund. Vote 15-0.

**HB 588-FN-L**, relative to Cates Hill Road and Jericho Lake Road in the city of Berlin. **OUGHT TO PASS.**

Rep. John R. Cloutier for Public Works and Highways: This bill was filed at the Department of Transportation's request and would reclassify two roads in Berlin. The first one, Cates Hill Road is now a state highway, but would become a Class V road and the responsibility of Berlin. In exchange, Jericho Lake Road, which is now Berlin's responsibility, would be reclassified to Class III and become a state highway. This proposed reclassification was suggested to help the state promote the new ATV park on Jericho Lake. According to the bill's fiscal note, the swap of road responsibilities involved in the reclassification will cost the Highway Fund no more than \$34,591 in FY 2008, and decreasing amounts thereafter through FY 2011. Vote 13-2.

**HB 626-FN**, relative to the establishment and removal of certain toll booths. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin K. Waterhouse for Public Works and Highways: The committee unanimously voted to retain HB 592-FN as the vehicle to study the seven bills that it received regarding toll issues on the N. H. turnpike system. Among the topics that will be studied include: the removal of certain toll booths in Merrimack; the placement and removal of other main line, ramp and bridge toll booths, whether the Legislature, rather than the Governor and Council, should determine toll amounts and discounts; and the relationship between toll revenues, the turnpike fund and the planned expansion and maintenance of the turnpike. Therefore, the committee is voting out this and the other five toll related bills, as inexpedient to legislate. Vote 15-0.

**HB 627-FN**, relative to uniform main line toll rates for the New Hampshire turnpike system. **INEXPEDIENT TO LEGISLATE.**

Rep. Dale R. Sprague for Public Works and Highways: The committee unanimously voted to retain HB 592-FN as the vehicle to study the seven bills that it received regarding toll issues on the N. H. turnpike system. Among the topics that will be studied include: the removal of certain toll booths in Merrimack; the placement and removal of other main line, ramp and bridge toll booths, whether the Legislature, rather than the Governor and Council, should determine toll amounts and discounts; and the relationship between toll revenues, the turnpike fund and the planned expansion and maintenance of the turnpike. Therefore, the committee is voting out this and the other five toll related bills, as inexpedient to legislate. Vote 14-1.

**HB 631-FN-A**, relative to the elimination of certain tolls. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: The committee unanimously voted to retain HB 592-FN as the vehicle to study the seven bills that it received regarding toll issues on the N.H. turnpike system. Among the topics that will be studied include: the removal of certain toll booths in Merrimack, the placement and removal of other main line, ramp and bridge toll booths, whether the Legislature, rather than the Governor and Council, should determine toll amounts and discounts; and the relationship between toll revenues, the turnpike fund and the planned expansion and maintenance of the turnpike. Therefore, the committee is voting out this, and the other six toll related bills, as inexpedient to legislate. Vote 14-0.

**HB 638-FN**, relative to lease agreements entered into by the department of transportation. **OUGHT TO PASS.**

Rep. John A. Graham for Public Works and Highways: This bill continues a policy authorized by the legislature in 2005 in the "Trailer Bill" (HB2). It allows the Commissioner of the Department

of Transportation to enter into lease agreements for vehicles and equipment at the discretion of the commissioner. This provides the department with the opportunity to lease specialized equipment either for short term use, or to "test drive" the equipment before purchasing it. Vote 16-0.

**HB 705**, relative to the disposal of highway or turnpike funded real estate. **OUGHT TO PASS.** Rep. John R. Cloutier for Public Works and Highways: This bill would exempt the exchange of certain state-owned lands for other lands of equal value from the process for disposal of highway or turnpike funded real estate. The bill was filed at the request of the Department of Transportation and simply allows the department to continue a common practice of exchanging real estate parcels with owners while buying property for highway projects, a practice that was inadvertently prohibited by the Legislature when it revised RSA 4:40 in 2005. Vote 17-0.

**HB 805-FN-L**, relative to a crosswalk in the town of Seabrook. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred C. Lerandean for Public Works and Highways: The sponsor had testified that the town is working with a developer to carry out this sidewalk/crossing as part of his development and will fund the crossing. As it has been taken care of we did not see the need for further action. Vote 16-0.

**HB 806-FN-L**, relative to a traffic light in the town of Seabrook. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin T. Tilton for Public Works and Highways: This bill proposed funding for a highway project that has not been included in any existing funding sources such as the 10-year plan, betterment funding, or state-aid highway funding. While the committee may look favorably on the desirability of the project, it does not believe that the project should be given priority funding above the many worthy projects still awaiting a funding source. The project proponents should continue to work with DOT to refine the project scope and to identify a source of funding. Vote 16-0.

**HB 883-FN-A**, relative to tolls. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick T. Long for Public Works and Highways: The committee unanimously voted to Retain HB 592-FN as the vehicle to study the bills that Public Works and Highways received regarding toll issues on the N. H. Turnpike System. Among the topics that will be studied include: The removal of certain toll booths in Merrimack; the placement and removal of other main line, ramp and bridge toll booths; whether the Legislature, rather than the Governor and Council, should determine toll amounts and discounts, and the relationship between toll revenues, the Turnpike Fund and the planned expansion and maintenance of the turnpike. Vote 17-0.

**HB 252-FN**, relative to exemptions from the permitting process for excavating and dredging. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsy McKinney for Resources, Recreation and Development: This bill as amended would exempt certain temporary seasonal docks from the department of Environmental Services' (DES) dredge and fill permit requirement unless the location is within 100 feet of a mapped, designated "prime" wetland area. In such cases, the Department must find clear and convincing evidence, after a public hearing, that the proposed activity will not harm the wetlands. Vote 14-0.

#### **Amendment (0555h)**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Prime Wetland Setback. Amend RSA 482-A:11, IV to read as follows:

IV. The department shall not grant a permit with respect to any activity proposed to be undertaken in or ~~adjacent to~~ **within 100 feet of** an area mapped, designated and filed as a prime wetland pursuant to RSA 482-A:15 unless the department first notifies the local governing body, the planning board, if any, and the conservation commission, if any, in the municipality within which the wetlands lie, either in whole or in part, of its decision. Any such permit shall not be issued unless the department is able, specifically, to find clear and convincing evidence on the basis of all information considered by the department, and after public hearing, that the proposed activity, either alone or in conjunction with other human activity, will not result in the significant net loss of any of the values set forth in RSA 482-A:1. This paragraph shall not be construed so as to relieve the department of its statutory obligations under this chapter to protect wetlands not so mapped and designated.

## AMENDED ANALYSIS

This bill exempts the installation of temporary seasonal docks on lakes or ponds that are not close to areas designated as prime wetlands.

This bill also prohibits the issuance of a permit for activity within 100 feet of a wetland area.

**HB 284**, relative to the repair of septic systems prior to the sale of waterfront property. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne H. Gottling for Resources, Recreation and Development: This bill would have required the owner of waterfront property with a septic system to engage a certified septic system evaluator to determine the condition of the system prior to sale. The septic site assessment becomes part of the sales agreement and any needed repairs must be completed before sale. The Department of Environmental Services (DES) felt the bill is unnecessary as septic site assessments are already required before sale. These are done by septic system designers licensed by DES. This bill puts more demands on DES to implement a new program which would require two department positions. The New Hampshire Board of Realtors also stated its professional guidelines require disclosure of septic problems. It appeared to the committee that this bill duplicated existing regulations and practices. Vote 17-0.

**HB 460**, relative to conservation restrictions to protect public water supplies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marcia G. Moody for Resources, Recreation and Development: Any public water utility which acquires lands for the purpose of protecting a water supply and charges the acquisition to ratepayers, shall hold all such lands subject to a conservation restriction for the benefit of the ratepayers. This restriction is to assure that the property is retained forever in its undeveloped condition to prevent any use of the property that impairs or interferes with the perpetual protection of the quality and sustainable yield of surface water and groundwater resources on and under that property. Activities necessary for the provision of the public drinking water supply shall be permitted. Vote 14-0.

## Amendment (0407h)

Amend RSA 362:4, VII as inserted by section 1 of the bill by replacing it with the following:

VII.(a) Any public water utility, as defined in RSA 362:4, which acquires lands for the purpose of protecting a public water supply shall hold all such lands subject to a conservation restriction for the benefit of the ratepayers in accordance with RSA 477:45-47 to assure that the property is retained forever in its undeveloped condition and to prevent any use of the property that impairs or interferes with the perpetual protection of the quality and sustainable yield of surface water and groundwater resources on and under that property.

(b) Such conservation restriction shall include, but not be limited to, prohibition of residential, industrial, and commercial development, roads except those allowed for maintenance of the public water supply, landfills, and the storage or disposal of hazardous or solid wastes.

(c) For the purposes of the conservation restriction, activities necessary for the provision of the public drinking water supply shall be permitted.

**HB 49**, relative to eligibility for admittance to the New Hampshire veterans' home. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F. Garrity for State-Federal Relations and Veterans Affairs: At the request of the commandant of the New Hampshire State Veterans Home, this bill waves the one year residency requirement in certain situations. 1. A veteran whose separation documents state New Hampshire address as his or her home of record at the time of discharge from active duty. 2. An active duty veteran with a New Hampshire home of record who is being discharged directly from a medical facility. All other admission requirements remain in place. Vote 10-0.

## Amendment (0042h)

Amend RSA 119:1, II(a) as inserted by section 1 of the bill by replacing it with the following:

*(a) A veteran whose DD214 certificate or any document used by the veterans' home for admission states a New Hampshire address as his or her home of record upon discharge from active duty.*

**HCR 3**, urging that New Hampshire members and veterans of the armed forces and national guard and their dependents receive health screening for depleted uranium exposure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank R. Emiro for State-Federal Relations and Veterans Affairs: There are enough questions that concern both the near and long term effects of depleted uranium on the health of exposed service members and families that the committee believes that the concerns should be addressed now rather than later. Unfortunately, the Department of Defense and Veterans Administration have a very poor history concerning the long term effects of such issues as Agent Orange, radiation exposure, and Post Traumatic Stress Disorder (PTSD). Vote 12-0.

#### **Amendment (0502h)**

Amend the resolution by replacing all after the resolving clause with the following:

That the New Hampshire legislature urges the department of veterans affairs to assist any member of the armed forces or veteran of the armed services who has been exposed to depleted uranium munitions or equipment, and the dependants of any such member or veteran, to obtain a best practices health screening test for exposure to depleted uranium that uses methods capable of detecting low levels of depleted uranium; and

That the New Hampshire legislature urges the adjutant general to:

(1) Assist any member of the New Hampshire national guard who has handled, used, or stored depleted uranium munitions or equipment and any member who returns or has returned to this state after service in an area designated by the President of the United States, and any such member's dependents, to obtain a best practices health screening test for exposure to depleted uranium that uses methods capable of detecting low levels of depleted uranium; and

(2) Ensure that quality health treatment is available for all members or veterans of the New Hampshire national guard and their dependents who may have been exposed to depleted uranium; and

That copies of this resolution be transmitted to the United States Secretary of Defense, the adjutant general, the commissioner of the department of health and human services, and the members of the New Hampshire congressional delegation.

**HB 217**, establishing a committee to study the New Hampshire park and ride program. **OUGHT TO PASS.**

Rep. Brenda L. Ferland for Transportation: This bill was at the request of the Department of Transportation as the park and rides are being used for many things. The study committee will also be looking at expansion of more park and rides and any other legislation pertaining to them. The objection from voting members was to any study committees. Vote 15-2.

**HB 478-FN-A**, decreasing the rate of the business profits tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W. Davis for Ways and Means: This bill would reduce the business profits tax from 8.5 percent to 8 percent. The prime sponsor noted that his intent was to raise income by stimulating the economy. DRA testified that this technique, known as "dynamic revenue administration" had been tried in the past and failed. State taxes are such a small percentage of the factors that influence business that a modest rate reduction would have little effect. Our current rate of growth is about all that the state can accommodate. In addition, this bill would likely reduce state general fund revenue by more than \$15 million and decrease state education trust fund revenue by more than \$3 million per year. The committee felt that the sponsor's intent could not be realized. Vote 16-0.

**HB 564-FN-A**, decreasing the rate of the business enterprise tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Norman L. Major for Ways and Means: The sponsor testified this bill would decrease the Business Enterprise Tax (BET) rate from 0.75 percent to 0.5 percent and that this reduction in rate would generate increased business to offset any loss in tax revenue. The fiscal note indicates a reduction in net tax revenue of \$65 million dollars in FY 2008 resulting in a 25 percent reduction in BET revenue for a 33 percent reduction in rate. New Hampshire has the best business growth rate in New England and has a low unemployment rate. Since the BET is primarily a tax on wages it would demand a combined employment and wage rate increase of at least 25 percent to make up for the shortfall. Therefore, the committee felt this growth rate is not attainable. Vote 16-0.

**HB 598-FN-A**, repealing certain foreign dividend deductions under the business profits tax and repealing an exemption to the real estate transfer tax. **OUGHT TO PASS.**

Rep. Christine C. Hamm for Ways and Means: This bill was submitted at the request of the Department of Revenue Administration. It contains two technical corrections: 1) the repeal of a deduction for amounts of gross business profits derived from dividends paid to the parent of an affiliated group by a subsidiary whose gross business profits are already subject to the business profits tax, and 2) the repeal of an exemption under the real estate transfer tax for merger, consolidation or reorganization of multiple entities, each of which is exempt from federal taxation under sections 501c(3) or 501c(2). After considering testimony from the commissioner of the department of revenue administration, the committee concluded that these clarifications were necessary to avoid confusion and prevent the opportunity for potential abuse. Vote 15-0.

### REGULAR CALENDAR

**HB 51**, permitting adoption by 2 unmarried adults in a familial relationship. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Eileen C. Flockhart for the Majority of Children and Family Law: This bill was introduced to eliminate inconsistencies in our county probate courts relative to adoption. This bill is also designed to make clear which persons are not required to surrender parental rights in the event of adoption. At present 6 of our 10 county probate courts have been granting adoptions to two committed unmarried adults. Four of our counties do not. Our objective is to clarify the law so that all adopted children will have the security and stability of knowing that both parents have legal responsibility for their educational, financial and medical well being. Our committee is deeply committed to the best interests of children. Though you will see a divided vote, the majority feels very strongly that the time has come to be fair and consistent. Vote 12-7.

Rep. Daniel C. Itse for the Minority of Children and Family Law: The minority of the committee believes that this bill will be unnecessary if HB 437, HB 905 or HB 791 is adopted. Furthermore, the bill has serious unintended consequences. First, the child may be the only legal tie in a relationship. If that relationship dissolves, the child would be the only legal strand in a possible tug of war. Second, the bill as presented makes a statement of equal value in married and unmarried relationships.

### Majority Amendment (0529h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Adoption; Who May Adopt; Unmarried Adults in a Familial Relationship. Amend RSA 170-B:4 by inserting after paragraph IV the following new paragraph:

V. Two unmarried adults in a familial relationship. In this paragraph, a familial relationship shall be determined by considering all relevant circumstances of the petitioners, including, but not limited to:

- (a) The sharing of a common residence.
- (b) Economic interdependence, such as jointly owning or renting a home.
- (c) A shared commitment to parenting duties and responsibilities.

2 New Paragraph; Persons Not Required to Surrender. Amend RSA 170-B:7 by inserting after paragraph VI the following new paragraph:

VII. A parent of the adoptee who intends to maintain his or her parental rights along with the parent's spouse or an unmarried adult in a familial relationship, as defined in RSA 170-B:4, V.

3 Effective Date. This act shall take effect 90 days after its passage.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Flockhart spoke in favor and yielded to questions.

Reps. Itse, Garcia, Rowe and Moran spoke against.

Rep. Spaulding spoke in favor.

Rep. Itse requested a roll call; sufficiently seconded.

**YEAS 234 NAYS 127**

**YEAS 234**

**BELKNAP**

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Martin, James

Butler, Edward  
Morrow, Harry

Cunningham, Howard  
Patten, Betsey

**CHESHIRE**

Allen, Peter  
Butynski, William  
Espieffs, Peter  
Parkhurst, Henry  
Sad, Tara

Burridge, Delmar  
Chase, William  
Hunt, John  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Lerandeau, Alfred  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Robertson, Timothy

**COOS**

Hatch, William  
Theberge, Robert

Ingersoll, Paul Sr  
Thomas, Yvonne

Mears, Edgar

Merrick, Evalyn

**GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Andersen, Gene  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon

Benn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Daler, Jennifer  
Fontas, Jeffrey  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Kaelin, Michael  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Messier, Irene  
Ober, Lynne  
Reuschel, Michael  
Shattuck, Gilman  
Smith, Sandra  
Sysyn, Mary

Beck, Catriona  
Chase, Claudia  
Drisko, Richard  
Forest, Armand  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Katsiantonis, George  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
Movsesian, Lori  
Ober, Russell III  
Rochette, Eric  
Shaw, Barbara  
Spaulding, Jayne  
Vaillancourt, Steve

Bergin, Peter  
Clemons, Jane  
Edwards, Andrew  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
O'Brien, Michael Sr  
Peterson, Andy  
Rosenwald, Cindy  
Shaw, Kimberly  
Spratt, Stephen  
Velez, Hector

Brunelle, Michael  
Cote, David  
Essex, David  
Gargasch, Carolyn  
Gorman, Mary  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Mesa, Lily  
O'Neil, James  
Pilotte, Maurice  
Schulze, Joan  
Simon, Anthony  
Sullivan, Daniel  
Winters, Joel

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
MacKay, James  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kelly, Sally  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
Lockwood, Priscilla  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

**ROCKINGHAM**

Abbott, Dennis  
Day, Judith  
Grote, Otto  
Kelley, Jane

Borden, David  
DiFruscia, Anthony  
Henson, John  
Kennedy, James

Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Howard, Doreen  
Kepner, Susan

Casey, Kimberley  
Gould, Kenneth  
Hutchinson, Karen  
Marsh, Michael

McCarthy, Linda  
Moody, Marcia  
Preston, Mark  
Sanders, Elisabeth

McEachern, Paul  
Moore, Bennett  
Reagan, John  
Snow, Richard

McGuirk, Thomas  
Nord, Susi  
Robertson, Carl  
Splaine, James

McKenna, Daniel  
Pantelakos, Laura  
Russell, Trinka  
Wells, Roger

### STRAFFORD

Billian, Deborah  
Browne, Brendon  
Domingo, Baldwin  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Brennan, William  
Burke, Rachel  
Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Brown, Julie  
Cyr, James  
Goodwin, Earle  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srnc, Robert

Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinzy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

### NAYS 127

### BELKNAP

Allen, Janet  
Heald, Bruce  
Tilton, Franklin

Boyce, Laurie  
Nedeau, Stephen  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Flanders, Donald  
Thomas, John  
Whalley, Michael

### CARROLL

Ahlgren, Christopher  
Knox, J. David

Brown, Carolyn  
Stevens, Stanley

Chandler, Gene

Denley, William

### CHESHIRE

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

### COOS

King, Frederick

Remick, William

Tholl, John Jr

### GRAFTON

Bulis, Lyle  
Ingbretson, Paul

Dingman, Vernon III  
Sorg, Gregory

Eaton, Stephanie  
Williams, Burton

Gionet, Edmond

### HILLSBOROUGH

Barry, Richard  
Christiansen, Lars  
Daniels, Gary  
Farley, Michael  
Haefner, Robert  
Holden, Randolph  
Kurk, Neal  
Manney, Pamela  
Moran, Edward  
Rowe, Robert  
Tahir, Saghir

Batula, Peter  
Clark, Mark  
Day, Russell  
Fletcher, Richard  
Hawkins, Ken  
Hunter, Bruce  
L'Heureux, Robert  
Matarazzo, Anthony Sr  
Price, Pamela  
Smith, David  
Ulery, Jordan

Bergeron, Jean-Guy  
Coughlin, Pamela  
Elliott, Nancy  
Francoeur, Bea  
Hinkle, Peyton  
Infantine, William  
Lawrence, James  
McRae, Karen  
Reeves, Sandra  
Soucy, Connie  
Villeneuve, Maurice

Christensen, Chris  
Crane, Elenore Casey  
Emerton, Larry  
Graham, John  
Hogan, Edith  
Jasper, Shawn  
Lessard, Rudy  
Mooney, Maureen  
Renzullo, Andrew  
Stepanek, Stephen

### MERRIMACK

Anderson, Eric

Humphries, Charlie

### ROCKINGHAM

Allen, Mary  
Bettencourt, David

Baldasaro, Alfred  
Bishop, Franklin

Bedrick, Jason  
Buxton, Donald

Belanger, Ronald  
Camm, Kevin



Carson, Sharon  
Devine, James  
Flanders, John Sr  
Guthrie, Joseph  
Itse, Daniel  
Katsakiores, Phyllis  
McMahon, Charles  
Priestley, Anne  
Stiles, Nancy  
Weyler, Kenneth

Case, Frank  
Dumaine, Dudley  
Garcia, Marilinda  
Headd, James  
Johnson, Robert  
Lund, Howie  
Moore, Benjamin  
Quandt, Marshall  
Waterhouse, Kevin  
Wickson, Rick

Charron, Gene  
Emiro, Frank  
Gleason, John  
Hopfgarten, Paul  
Kappler, Lawrence  
Major, Norman  
Nowe, Ronald  
Quandt, Matthew  
Weare, Everett  
Winchell, George

Dalrymple, David  
Fesh, Bob  
Griffin, Mary  
Ingram, Russell  
Katsakiores, George  
McKinney, Betsy  
Packard, Sherman  
Rausch, James  
Welch, David

### STRAFFORD

Berube, Roger

Brown, George

Hofemann, Roland

### SULLIVAN

Rodeschin, Beverly

and the majority committee report was adopted.

Ordered to third reading.

**HB 88**, establishing a committee to study single payer health care. **OUGHT TO PASS.**

Rep. Paul McEachern for Commerce: The bill establishes a committee to study a single payer national health care law. The crisis in the high cost of health care hits everyone; 47 million Americans are without any health insurance. This number is increasing. Currently those 65 and over and low income citizens who qualify enjoy single payer health care (Medicare & Medicaid). The study committee would look at the feasibility of adopting a single payer system for 100% coverage. Vote 10-6. Rep. Wendelboe requested a roll call; sufficiently seconded.

### YEAS 232 NAYS 128

#### YEAS 232

#### BELKNAP

Arsenault, Beth  
Tobin, William

Millham, Alida

Morrison, Gail

Reever, Judith

#### CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward  
Morrow, Harry

Cunningham, Howard

#### CHESHIRE

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Richardson, Barbara  
Weber, Lucy

Burridge, Delmar  
Chase, William  
Lerandean, Alfred  
Roberts, Kris  
Weed, Charles

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Robertson, Timothy

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Sad, Tara

#### COOS

Hatch, William  
Theberge, Robert

Ingersoll, Paul Sr  
Thomas, Yvonne

Mears, Edgar

Merrick, Evalyn

#### GRAFTON

Aguir, James  
Bleyler, Ruth  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

Almy, Susan  
Bulis, Lyle  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Andersen, Gene  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon  
Williams, Burton

#### HILLSBOROUGH

Baroody, Benjamin  
Brunelle, Michael

Barry, Richard  
Campbell, David

Beck, Catriona  
Chase, Claudia

Bergin, Peter  
Clemons, Jane

Cote, David  
Essex, David  
Foster, Linda  
Gorman, Mary  
Hammond, Jill  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
O'Brien, Michael Sr  
Rochette, Eric  
Shaw, Barbara  
Smith, Sandra  
Velez, Hector

Daler, Jennifer  
Farley, Michael  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Neil, James  
Rosenwald, Cindy  
Shaw, Kimberly  
Spratt, Stephen

Drisko, Richard  
Fontas, Jeffrey  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily  
Pilotte, Maurice  
Schulze, Joan  
Simon, Anthony  
Sullivan, Daniel

Edwards, Andrew  
Forest, Armand  
Goley, Jeffrey  
Hall, Betty  
Holden, Randolph  
Katsiantonis, George  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
Movsesian, Lori  
Reuschel, Michael  
Shattuck, Gilman  
Smith, David  
Sysyn, Mary

### MERRIMACK

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kelly, Sally  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
Lockwood, Priscilla  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

### ROCKINGHAM

Abbott, Dennis  
Day, Judith  
Gould, Kenneth  
Hutchinson, Karen  
Kennedy, James  
McEachern, Paul  
Moore, Bennett  
Robertson, Carl  
Splaine, James

Borden, David  
DiFruscia, Anthony  
Grote, Otto  
Ingram, Russell  
Kepner, Susan  
McGuirk, Thomas  
Nord, Susi  
Russell, Trink

Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Henson, John  
Johnson, Robert  
Marsh, Michael  
McKenna, Daniel  
Pantelakos, Laura  
Sanders, Elisabeth

Casey, Kimberley  
Gleason, John  
Howard, Doreen  
Kelley, Jane  
McCarthy, Linda  
Moody, Marcia  
Preston, Mark  
Snow, Richard

### STRAFFORD

Billian, Deborah  
Browne, Brendon  
Domingo, Baldwin  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Brown, George  
Cyr, James  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srnc, Robert

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

### NAYS 128

### BELKNAP

Allen, Janet  
Heald, Bruce  
Tilton, Franklin

Boyce, Laurie  
Nedeau, Stephen  
Wendelboe, Fran

Clark, Charles  
Russell, David  
Whalley, Michael

Flanders, Donald  
Thomas, John

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Martin, James	Patten, Betsey	Stevens, Stanley	

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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**COOS**

King, Frederick	Remick, William	Tholl, John Jr
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**GRAFTON**

Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul
Sorg, Gregory			

**HILLSBOROUGH**

Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary
Day, Russell	Elliott, Nancy	Emerton, Larry	Fletcher, Richard
Francœur, Bea	Gargas, Carolyn	Graham, John	Haefner, Robert
Hawkins, Ken	Hinkle, Peyton	Hogan, Edith	Hunter, Bruce
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Messier, Irene	Mooney, Maureen	Moran, Edward	Ober, Lynne
Ober, Russell III	Peterson, Andy	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Soucy, Connie	Spaulding, Jayne
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Winters, Joel		

**MERRIMACK**

Anderson, Eric	Humphries, Charlie	MacKay, James
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**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Buxton, Donald	Camm, Kevin
Carson, Sharon	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	Dumaine, Dudley	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Garcia, Marilinda	Griffin, Mary	Guthrie, Joseph
Headd, James	Hopfgarten, Paul	Itse, Daniel	Kappler, Lawrence
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
McKinney, Betsy	McMahon, Charles	Moore, Benjamin	Nowe, Ronald
Packard, Sherman	Priestley, Anne	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reagan, John	Stiles, Nancy	Waterhouse, Kevin
Weare, Everett	Welch, David	Wells, Roger	Weyler, Kenneth
Wickson, Rick	Winchell, George		

**STRAFFORD**

Berube, Roger	Brown, Julie
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**SULLIVAN**

Rodeschin, Beverly  
and the committee report was adopted.  
Ordered to third reading.

**HB 169**, relative to penalties for insurance adjusters, appraisers, or companies purposefully underestimating the value of an insurance claim. **OUGHT TO PASS WITH AMENDMENT.**  
Rep. Robert F. Matheson for Commerce: This bill as amended simply adds to the list of "unfair claims settlement, practices by insurers." It inserts in that list that insurers can't knowingly misrepresent and underestimate a claim. This bill was put forward in response to the Exeter hail incident last summer where there were an unusually heavy amount of insurance claims. Vote 12-3.

**Amendment (0102h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to penalties for insurers or adjusters knowingly underestimating the value of an insurance claim.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Unfair Claim Settlement Practices by Insurers. Amend RSA 417:4, XV(a) by inserting after subparagraph (13) the following new subparagraph:

(14) Knowingly underestimating the value of any claim by an insurer or by an adjuster representing the insurer.

**AMENDED ANALYSIS**

This bill makes it an unfair insurance trade practice subject to penalties for an insurer or adjuster representing the insurer to knowingly underestimate the value of an insurance claim.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 264**, relative to a time period for declaring a person to be cancer free. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce: This bill declares a person to be cancer free for insurance purposes after five years of negative testing. Testimony from the American Cancer Society stated that they never say someone is cured due to the various types of cancer that can reoccur without warning. They refer to those who had the disease as cancer survivors from the time of the diagnostic report. A cancer free designation would only relate to individual health insurance policies as group insurance policies are guaranteed issue. Individual policies are not guaranteed issue so an insurer could merely refuse to write the policy and nothing would be gained by this legislation. Vote 12-2. Committee report adopted.

**HB 334**, relative to the hours for sale of alcoholic beverages in stores. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for Commerce: Currently the Liquor Commission has the authority, by rule, to allow bars to stay open until 2 am and traditionally does allow that on December 31st each year. The committee feels that 1 am is a very old blue law and that 2 am is current practice in most states. This bill is only enabling and the local community or bar owner still may choose to have earlier closing times. The amendment also limits the later serving time to only those licensees who have no violations in the previous year. The committee understands that there were some concerns about the lateness of the hour, but felt that given the testimony of the sponsor, many people who work 2nd shift, this legislation would help reduce that sense of urgency that some may feel by the earlier closing time. Vote 14-3.

**Amendment (0293h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the hours for on-premises sale of alcoholic beverages.

Amend RSA 179:17, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) On-premises licensees may sell from 6:00 a.m. to ~~[1:00]~~ 2:00 a.m., 7 days a week. *If an on-premises licensee violates any provision of this title, the licensee shall stop the sale of beverages or liquor no later than 1:00 a.m. for a period of 12 months from the date of the violation.*

**AMENDED ANALYSIS**

This bill extends the hours of sale for alcoholic beverages by on-premises licensees.

This bill also requires on-premises licensees who have violated any alcoholic beverages law to stop the sale of beverages or liquor no later than 1:00 a.m. for 12 months after the date of the violation.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Jill Hammond spoke against and yielded to questions.

Reps. Reardon and Hunt spoke in favor.

Rep. Gene Andersen requested a roll call; sufficiently seconded.

**YEAS 267 NAYS 89****YEAS 267****BELKNAP**

Allen, Janet  
Heald, Bruce  
Wendelboe, Fran

Arsenault, Beth  
Reever, Judith  
Whalley, Michael

Clark, Charles  
Thomas, John

Flanders, Donald  
Tilton, Franklin

**CARROLL**

Bridgham, Robert  
Chandler, Gene

Brown, Carolyn  
Denley, William

Buco, Thomas  
Martin, James

Butler, Edward  
Merrow, Harry

**CHESHIRE**

Allen, Peter  
Dunn, J. Timothy  
Johnson, Jane  
Richardson, Barbara  
Weber, Lucy

Burridge, Delmar  
Eaton, Daniel  
Lerandeau, Alfred  
Roberts, Kris

Butcher, Suzanne  
Emerson, Susan  
Mitchell, Bonnie  
Robertson, Timothy

Chase, William  
Hunt, John  
Pelkey, Stephen  
Sad, Tara

**COOS**

Ingersoll, Paul Sr  
Theberge, Robert

King, Frederick

Mears, Edgar

Remick, William

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Gionet, Edmond  
Matheson, Robert  
Pierce, David

Almy, Susan  
Dingman, Vernon III  
Hammond, Lee  
McLeod, Martha  
Solomon, Peter

Benn, Bernard  
Estes, Carole  
Harding, A Laurie  
Mulholland, Catherine  
Sorg, Gregory

Bulis, Lyle  
Friedrich, Carol  
Ingbreton, Paul  
Nordgren, Sharon

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Christiansen, Lars  
Crane, Elenore Casey  
Edwards, Andrew  
Fletcher, Richard  
Gargas, Carolyn  
Gorman, Mary  
Haley, Robert  
Holden, Randolph  
Kaelin, Michael  
Knowles, Mary Ann  
Lawrence, James  
Long, Patrick  
Messier, Irene  
O'Brien, Michael Sr  
Peterson, Andy  
Reuschel, Michael  
Simon, Anthony  
Stepanek, Stephen  
Velez, Hector

Barry, Richard  
Campbell, David  
Clark, Mark  
Daniels, Gary  
Elliott, Nancy  
Fontas, Jeffrey  
Garrity, Patrick  
Graham, John  
Harvey, Suzanne  
Hunter, Bruce  
Katsiantonis, George  
Kopka, Angeline  
Levasseur, Nickolas  
Manney, Pamela  
Mooney, Maureen  
O'Neil, James  
Price, Pamela  
Rosenwald, Cindy  
Smith, David  
Sullivan, Daniel  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Chase, Claudia  
Clemons, Jane  
Day, Russell  
Emerton, Larry  
Foster, Linda  
Ginsburg, Ruth  
Hackel, Paul  
Hawkins, Ken  
Irwin, Anne-Marie  
Kelley, John  
Kurk, Neal  
Levesque, Melanie  
Martineau, Jesse  
Moran, Edward  
Ober, Lynne  
Reeves, Sandra  
Schulze, Joan  
Spaulding, Jayne  
Sysyn, Mary  
Winters, Joel

Bergin, Peter  
Christensen, Chris  
Cote, David  
Drisko, Richard  
Essex, David  
Francoeur, Bea  
Goley, Jeffrey  
Haefner, Robert  
Hogan, Edith  
Jean, Claudette  
Knowles, John  
Lasky, Bette  
Lisle, Carolyn  
Mesa, Lily  
Movsesian, Lori  
Ober, Russell III  
Renzullo, Andrew  
Shattuck, Gilman  
Spratt, Stephen  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Brown, Carole  
DeJoie, John

Baxley, Maureen  
Brueggemann, Donald  
French, Barbara

Beauchesne, Suzanne  
Clarke, Claire  
Greco, Vincent

Bouchard, Candace  
Davis, Frank  
Hamm, Christine

Humphries, Charlie  
McMahon, Patricia  
Richardson, Gary  
Wheeler, Deborah

Kelly, Sally  
Porter, Margaret  
Ryan, Jim  
Williams, Robert

Lockwood, Priscilla  
Potter, Frances  
Shurtleff, Stephen

MacKay, James  
Reardon, Tara  
Wallner, Mary

### ROCKINGHAM

Abbott, Dennis  
Bettencourt, David  
Case, Frank  
Dumaine, Dudley  
Flockhart, Eileen  
Grote, Otto  
Hopfgarten, Paul  
Itse, Daniel  
Katsakiores, Phyllis  
Major, Norman  
McGuirk, Thomas  
Moore, Benjamin  
Preston, Mark  
Reagan, John  
Snow, Richard  
Weare, Everett

Baldasaro, Alfred  
Bishop, Franklin  
Casey, Kimberley  
Emiro, Frank  
Garcia, Marilinda  
Guthrie, Joseph  
Howard, Doreen  
Johnson, Robert  
Kelley, Jane  
Marsh, Michael  
McKenna, Daniel  
Nord, Susi  
Quandt, Marshall  
Robertson, Carl  
Splaine, James  
Wells, Roger

Bedrick, Jason  
Buxton, Donald  
Dalrymple, David  
Fesh, Bob  
Gleason, John  
Headd, James  
Hutchinson, Karen  
Kappler, Lawrence  
Kennedy, James  
McCarthy, Linda  
McKinney, Betsy  
Nowe, Ronald  
Quandt, Matthew  
Russell, Trinka  
Stiles, Nancy  
Wickson, Rick

Belanger, Ronald  
Camm, Kevin  
DiFruscia, Anthony  
Flanders, John Sr  
Griffin, Mary  
Henson, John  
Ingram, Russell  
Katsakiores, George  
Lund, Howie  
McEachern, Paul  
Moody, Marcia  
Pantelakos, Laura  
Rausch, James  
Sanders, Elisabeth  
Waterhouse, Kevin

### STRAFFORD

Berube, Roger  
Browne, Brendon  
Domingo, Baldwin  
Hofemann, Roland  
Knowles, William  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Perry, Robert  
Spang, Judith  
Warren, Nancy

Brown, George  
Cyr, James  
Goodwin, Earle  
Hutz, Sarah  
Rollo, Deanna  
Sprague, Dale  
Watson, Robert

Brown, Julie  
DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Rollo, Michael  
Srnc, Robert

### SULLIVAN

Cloutier, John  
Gottling, Suzanne  
Skinder, Carla

Converse, Larry  
Houde, Matthew

Donovan, Thomas  
Phiniza, James

Ferland, Brenda  
Rodeschin, Beverly

### NAYS 89

### BELKNAP

Boyce, Laurie  
Russell, David

Millham, Alida  
Tobin, William

Morrison, Gail

Nedeau, Stephen

### CARROLL

Ahlgren, Christopher  
Patten, Betsey

Cunningham, Howard  
Stevens, Stanley

Heard, Virginia

Knox, J. David

### CHESHIRE

Butterworth, Timothy  
Weed, Charles

Butynski, William

Espiefs, Peter

Parkhurst, Henry

### COOS

Hatch, William

Merrick, Evalyn

Tholl, John Jr

Thomas, Yvonne

### GRAFTON

Andersen, Gene  
Preston, Philip

Bleyler, Ruth  
Williams, Burton

Eaton, Stephanie

Lovett, Sid

### HILLSBOROUGH

Batula, Peter  
Farley, Michael

Beck, Catriona  
Forest, Armand

Coughlin, Pamela  
Hall, Betty

Daler, Jennifer  
Hammond, Jill

Hebert, Roger  
L'Heureux, Robert  
Marshall, Seth  
Rowe, Robert  
Tahir, Saghir

Hinkle, Peyton  
Leishman, Peter  
Matarazzo, Anthony Sr  
Shaw, Barbara  
Ulery, Jordan

Infantine, William  
Lessard, Rudy  
Pilotte, Maurice  
Smith, Sandra

Jasper, Shawn  
Mack, Ron  
Rochette, Eric  
Soucy, Connie

### MERRIMACK

Blanchard, Elizabeth  
Gile, Mary  
Tilton, Joy  
Yeaton, Charles

DeStefano, Stephen  
Hager, Elizabeth  
Tupper, Frank

Ehlers, Eileen  
Kjellman, Eleanor Glynn  
Walz, Mary

Foose, Robert  
Osborne, Jessie  
Webb, Leigh

### ROCKINGHAM

Borden, David  
Day, Judith  
McMahon, Charles  
Welch, David

Cali-Pitts, Jacqueline  
Devine, James  
Moore, Bennett  
Weyler, Kenneth

Carson, Sharon  
Gould, Kenneth  
Packard, Sherman  
Winchell, George

Charron, Gene  
Kepner, Susan  
Priestley, Anne

### STRAFFORD

Billian, Deborah  
Rous, Emma

Brown, Larry  
Schmidt, Peter

Mickelonis, Shawn

Miller, Joseph

### SULLIVAN

Jillette, Arthur Jr  
and the committee report was adopted.  
Ordered to third reading.

Nielsen, Ellen

### **HB 386-FN, relative to advertisement of prescription drugs. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joel F. Winters for the Majority of Commerce: Everyone has noticed the increase in prescription drug advertising in recent years. Over four billion dollars were spent last year on direct to consumer advertising of prescription drugs. Regardless of the social and economic costs of this advertising, the majority of the committee felt that we could not support HB 386, which would make this form of advertising a crime. Drug advertising is free speech that is clearly protected by both the New Hampshire and US constitutions. In addition, if we were to pass such legislation, the state would very likely be sued by the drug companies. Expensive litigation at the expense of the taxpayer would be the result. Vote 11-3.

Rep. Susi Nord for the Minority of Commerce: The minority of the committee believes that this Legislature should pursue HB 386. While the majority asserts that there is "clear" violation of the First Amendment, the minority believes that the issue is not clearly determined. The majority also suggested that this is a Federal problem, but as we know, most meaningful legislation begins in a single state. The minority does believe that it is time to address rampant direct to consumer drug advertising. Much as cigarette advertising in the 1960's led to increased use and abuse of tobacco, today's drug ads are inundating citizens with claims of prescription drug benefits, without full consideration of alternative treatments, costs and appropriate indications for use. At the same time, our young people are abusing prescription drugs at an alarming rate, making prescription drugs the fastest growing drug of abuse in the US. As New York State began national regulation for tobacco labeling and ads in the 1960's, the minority believes NH should today begin the regulation for prescription drug advertising.

Rep. DeJoie spoke against.

Rep. Winters spoke in favor.

On a division vote, 224 members having voted in the affirmative and 108 in the negative, the majority committee report was adopted.

### **SPECIAL ORDER**

**HB 97, relative to the recording of audio and video images on private property for security purposes. INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would have allowed any person, without notice, to conduct audio or video recording, or both, on his or her private property

and curtilage for security purposes. Current law allows video recording already. Current law on interception of telecommunications requires consent by both parties and is a well-established principle in New Hampshire law. The proposed legislation radically changes the two party consent and was felt by the committee to be unacceptable as presented. Vote 14-0.  
Committee report adopted.

### SPECIAL ORDER

**HB 171**, clarifying the wiretapping and eavesdropping statute. **INEXPEDIENT TO LEGISLATE.**  
Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation attempted to cover any conversation obtained by audio video recording by a third party, or a home video and be admissible as evidence. After two public hearings it was determined that protecting the two party approval required by current law unless permission is obtained from the Attorney General's office or a county attorney is the safest method to protect all New Hampshire citizens right to privacy. Vote 16-0.  
Reps. Ulery and Itse spoke against.  
Rep. Nielsen spoke in favor.  
Committee report adopted.

### SPECIAL ORDER

**HB 177-FN**, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. **INEXPEDIENT TO LEGISLATE.**  
Rep. Lori A. Movsesian for Criminal Justice and Public Safety: This bill would create the unintended consequence of creating personhood for a fetus. New Hampshire law already imposes an additional penalty for assailants who commit a violent act toward a pregnant woman resulting in miscarriage or stillbirth. In 1991, New Hampshire passed laws that punish an assailant who "purposely, or knowingly causes injury to another resulting in miscarriage, or stillbirth" (RSA 631:1c), or who "recklessly or negligently causes injury to another resulting in miscarriage or stillbirth" (RSA 631:2e). Such heinous crimes are already well defined within our penal code. The committee has had this legislation numerous times. It has been to interim study during 2004 and no legislation was recommended. The committee recognizes the tremendous loss a pregnant woman suffers when she loses her fetus through violent action. However, neither those in support of the bill's intent nor those opposed could craft an amendment that would recognize the loss without bestowing other legal rights to the fetus. Vote 14-3.

### LAID ON THE TABLE

Rep. Campbell moved that **HB 177-FN**, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide be laid on the table.

Rep. Dumaine requested a roll call; sufficiently seconded.

### YEAS 239 NAYS 109

#### YEAS 239

#### BELKNAP

Arsenault, Beth	Morrison, Gail	Neddeau, Stephen	Reever, Judith
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#### CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia	Knox, J. David	Morrow, Harry	Patten, Betsey

#### CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Chase, William
Dunn, J. Timothy	Eaton, Daniel	Espieffs, Peter	Lerandeau, Alfred
Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sad, Tara	Weber, Lucy	Weed, Charles

#### COOS

Hatch, William	Ingersoll, Paul Sr	Mears, Edgar	Merrick, Evalyn
Remick, William	Theberge, Robert	Tholl, John Jr	Thomas, Yvonne



**GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon  
Williams, Burton

Almy, Susan  
Bulis, Lyle  
Gionet, Edmond  
Matheson, Robert  
Pierce, David

Andersen, Gene  
Cooney, Mary  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Benn, Bernard  
Estes, Carole  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Clemons, Jane  
Day, Russell  
Farley, Michael  
Foster, Linda  
Gorman, Mary  
Hall, Betty  
Holden, Randolph  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
O'Brien, Michael Sr  
Peterson, Andy  
Rosenwald, Cindy  
Smith, David  
Sullivan, Daniel

Barry, Richard  
Campbell, David  
Cote, David  
Drisko, Richard  
Fletcher, Richard  
Garrity, Patrick  
Graham, John  
Hammond, Jill  
Irwin, Anne-Marie  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Mesa, Lily  
O'Neil, James  
Pilotte, Maurice  
Shattuck, Gilman  
Smith, Sandra  
Sysyn, Mary

Beck, Catriona  
Chase, Claudia  
Daler, Jennifer  
Edwards, Andrew  
Fontas, Jeffrey  
Ginsburg, Ruth  
Hackel, Paul  
Harvey, Suzanne  
Jean, Claudette  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Moran, Edward  
Ober, Lynne  
Reuschel, Michael  
Shaw, Barbara  
Spaulding, Jayne  
Villeneuve, Maurice

Bergin, Peter  
Christensen, Chris  
Daniels, Gary  
Essex, David  
Forest, Armand  
Goley, Jeffrey  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
Movsesian, Lori  
Ober, Russell III  
Rochette, Eric  
Shaw, Kimberly  
Spratt, Stephen  
Winters, Joel

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
Ehlers, Eileen  
Greco, Vincent  
Lockwood, Priscilla  
Potter, Frances  
Shurtleff, Stephen  
Webb, Leigh

Beauchesne, Suzanne  
Clarke, Claire  
Foose, Robert  
Hamm, Christine  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Williams, Robert

Blanchard, Elizabeth  
Davis, Frank  
French, Barbara  
Kelly, Sally  
Osborne, Jessie  
Richardson, Gary  
Wallner, Mary  
Yeaton, Charles

Bouchard, Candace  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Walz, Mary

**ROCKINGHAM**

Abbott, Dennis  
Day, Judith  
Flockhart, Eileen  
Henson, John  
Johnson, Robert  
Kepner, Susan  
McGuirk, Thomas  
Moore, Benjamin  
Preston, Mark  
Stiles, Nancy

Borden, David  
DiFruscia, Anthony  
Gould, Kenneth  
Hopfgarten, Paul  
Kappler, Lawrence  
Marsh, Michael  
McKenna, Daniel  
Moore, Bennett  
Russell, Trinka  
Weare, Everett

Buxton, Donald  
Emiro, Frank  
Grote, Otto  
Howard, Doreen  
Kelley, Jane  
McCarthy, Linda  
McKinney, Betsy  
Nord, Susi  
Sanders, Elisabeth  
Weyler, Kenneth

Casey, Kimberley  
Fesh, Bob  
Guthrie, Joseph  
Ingram, Russell  
Kennedy, James  
McEachern, Paul  
Moody, Marcia  
Pantelakos, Laura  
Snow, Richard

**STRAFFORD**

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brennan, William  
Browne, Brendon  
Domingo, Baldwin  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Brown, George  
Burke, Rachel  
Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Brown, Julie  
Cyr, James  
Goodwin, Earle  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srnec, Robert

**SULLIVAN**

Cloutier, John  
Gottling, Suzanne  
Phinizy, James

Converse, Larry  
Houde, Matthew  
Skinder, Carla

Ferland, Brenda  
Jillette, Arthur Jr

Franklin, Peter  
Nielsen, Ellen

**NAYS 109****BELKNAP**

Allen, Janet  
Millham, Alida  
Tobin, William

Boyce, Laurie  
Russell, David  
Wendelboe, Fran

Clark, Charles  
Thomas, John  
Whalley, Michael

Flanders, Donald  
Tilton, Franklin

**CARROLL**

Ahlgren, Christopher  
Stevens, Stanley

Brown, Carolyn

Chandler, Gene

Denley, William

**CHESHIRE**

Butynski, William

Emerson, Susan

Hunt, John

Pelkey, Stephen

**COOS**

King, Frederick

**GRAFTON**

Dingman, Vernon III

Eaton, Stephanie

Ingbretson, Paul

Sorg, Gregory

**HILLSBOROUGH**

Batula, Peter  
Coughlin, Pamela  
Gargas, Carolyn  
Hinkle, Peyton  
Jasper, Shawn  
Lawrence, James  
McRae, Karen  
Reeves, Sandra  
Simon, Anthony  
Ulery, Jordan

Bergeron, Jean-Guy  
Crane, Elenore Casey  
Haefner, Robert  
Hogan, Edith  
Katsiantonis, George  
Lessard, Rudy  
Messier, Irene  
Renzullo, Andrew  
Soucy, Connie  
Vaillancourt, Steve

Christiansen, Lars  
Elliott, Nancy  
Hansen, Ryan  
Hunter, Bruce  
Kurk, Neal  
Manney, Pamela  
Mooney, Maureen  
Rowe, Robert  
Stepanek, Stephen  
Velez, Hector

Clark, Mark  
Francoeur, Bea  
Hawkins, Ken  
Infantine, William  
L'Heureux, Robert  
Matarazzo, Anthony Sr  
Price, Pamela  
Schulze, Joan  
Tahir, Saghir

**MERRIMACK**

Anderson, Eric  
Wheeler, Deborah

Hager, Elizabeth

Humphries, Charlie

MacKay, James

**ROCKINGHAM**

Allen, Mary  
Cali-Pitts, Jacqueline  
Charron, Gene  
Flanders, John Sr  
Hutchinson, Karen  
Lund, Howie  
Priestley, Anne  
Robertson, Carl  
Wells, Roger

Baldasaro, Alfred  
Camm, Kevin  
Dalrymple, David  
Garcia, Marilinda  
Itse, Daniel  
Major, Norman  
Quandt, Matthew  
Splaine, James  
Wickson, Rick

Bedrick, Jason  
Carson, Sharon  
Devine, James  
Griffin, Mary  
Katsakiores, George  
McMahon, Charles  
Rausch, James  
Waterhouse, Kevin  
Winchell, George

Bettencourt, David  
Case, Frank  
Dumaine, Dudley  
Headd, James  
Katsakiores, Phyllis  
Packard, Sherman  
Reagan, John  
Welch, David

**STRAFFORD**

Berube, Roger

Hofemann, Roland

Watson, Robert

**SULLIVAN**

Donovan, Thomas  
and the motion was adopted.

Rodeschin, Beverly

Rep. Hopfgarten voted Yea and intended to vote Nay.

The House recessed at 12:40 p.m.

**(Speaker Norelli in the Chair)**

The House reconvened at 1:40 p.m.

**REGULAR CALENDAR (CONT'D)**

**HB 95-L**, including charter school pupils in the average daily membership in residence in the pupil's district of residence. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kimberley S. Casey for Education: This bill, requested by the Department of Education, keeps charter school pupils in each district's ADMR (average daily membership in residence) for data analysis purposes. The amendment clarifies that charter pupils are not counted in ADMR for funding in districts where the state pays the charter schools directly. Vote 16-6.

**Amendment (0598h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the treatment of charter school pupils in the definition of average daily membership in residence.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 School Money; Definitions. Amend RSA 198:38, VI to read as follows:

VI. "Average daily membership in residence" means the average daily membership in residence of pupils in kindergarten through grade 12, as defined in RSA 189:1-d, IV of the second school year preceding the year in which the calculation is made, provided that no kindergarten pupil shall count as more than 1/2 day attendance per calendar day, *and provided that no charter school pupil for whom the state pays tuition directly to the charter school shall be counted.*

**AMENDED ANALYSIS**

This bill requires that pupils electing to attend an approved charter school shall be included in the average daily membership in residence of the district in which they legally reside. The bill also excludes charter school pupils for whom the state pays tuition directly to the charter school from the definition of average daily membership in residence.

This bill is a request of the department of education.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 473-FN**, relative to reimbursement for members of the council for teacher education. **OUGHT TO PASS.**

Rep. Nancy F. Stiles for Education: The Council for Teacher Education is a volunteer advisory committee. This bill is a housekeeping bill that allows the State Board of Education to reimburse expenses and mileage incurred by members of the council in accordance with rules for mileage and expense reimbursement and treats this advisory committee the same as the Professional Standards Board. The council reviews teacher prep courses offered in our colleges and universities and was very helpful to New Hampshire in meeting the requirements of NCLB as we dealt with the component of highly qualified teachers last year. This bill does not use new or additional money, but comes from the department's current appropriations. Vote 18-1.

Committee report adopted and ordered to third reading.

**HB 132**, relative to domicile for voting purposes. **OUGHT TO PASS.**

Rep. David M. Pierce for Election Law: New Hampshire law draws a clear distinction between "domicile" and "residency." Nonetheless, often voters are told that the terms mean the same thing, and that any person claiming a New Hampshire "domicile" is therefore a New Hampshire "resident." In turn, when voters filled out a voter registration form in the last 4 years, they were advised (warned) that they must apply for a New Hampshire drivers license and car registration if they intended to drive in New Hampshire. This is a requirement of "residency" not "domicile." Tying the right to vote to other requirements not related to voting operates only to depress voter registration and participation. HB 132 merely clarifies that domicile and residency are two separate and distinct concepts, and will encourage voter registration and participation for all those entitled to vote in New Hampshire. Vote 11-4.

Rep. Dumaine requested a roll call; sufficiently seconded.

**YEAS 209 NAYS 103****YEAS 209  
BELKNAP**

Arsenault, Beth	Morrison, Gail	Reever, Judith
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**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Denley, William	Heard, Virginia	Patten, Betsey	

**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Dunn, J. Timothy	Eaton, Daniel	Espieffs, Peter
Lerandeau, Alfred	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

**COOS**

Hatch, William	Ingersoll, Paul Sr	Mears, Edgar	Merrick, Evalyn
Remick, William	Theberge, Robert	Thomas, Yvonne	

**GRAFTON**

Aguiar, James	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Dingman, Vernon III	Estes, Carole	Friedrich, Carol
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	Lovett, Sid
Matheson, Robert	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Pierce, David	Preston, Philip	Solomon, Peter	

**HILLSBOROUGH**

Beck, Catriona	Brunelle, Michael	Campbell, David	Chase, Claudia
Clemons, Jane	Cote, David	Daler, Jennifer	Drisko, Richard
Edwards, Andrew	Essex, David	Farley, Michael	Fontas, Jeffrey
Forest, Armand	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Gorman, Mary	Hackel, Paul	Haley, Robert
Hall, Betty	Hammond, Jill	Harvey, Suzanne	Hebert, Roger
Irwin, Anne-Marie	Kaelin, Michael	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette	Leishman, Peter
Lessard, Rudy	Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn
Long, Patrick	Mack, Ron	Marshall, Seth	Martineau, Jesse
Matarazzo, Anthony Sr	Mesa, Lily	Messier, Irene	Movsesian, Lori
O'Neil, James	Pilotte, Maurice	Reuschel, Michael	Rochette, Eric
Rosenwald, Cindy	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Smith, David	Smith, Sandra	Spratt, Stephen	Sullivan, Daniel
Sysyn, Mary	Vaillancourt, Steve	Velez, Hector	Winters, Joel

**MERRIMACK**

Baxley, Maureen	Beauchesne, Suzanne	Bouchard, Candace	Brown, Carole
Clarke, Claire	Davis, Frank	Ehlers, Eileen	Foose, Robert
French, Barbara	Greco, Vincent	Kelly, Sally	Kjellman, Eleanor Glynn
McMahon, Patricia	Osborne, Jessie	Porter, Margaret	Potter, Frances
Reardon, Tara	Richardson, Gary	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary	Walz, Mary	Webb, Leigh
Wheeler, Deborah	Williams, Robert	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Borden, David	Cali-Pitts, Jacqueline	Casey, Kimberley
Day, Judith	DiFruscia, Anthony	Flanders, John Sr	Flockhart, Eileen
Gould, Kenneth	Grote, Otto	Henson, John	Howard, Doreen

Ingram, Russell  
Marsh, Michael  
McKenna, Daniel  
Pantelakos, Laura  
Snow, Richard

Kelley, Jane  
McCarthy, Linda  
Moody, Marcia  
Preston, Mark  
Splaine, James

Kennedy, James  
McEachern, Paul  
Moore, Bennett  
Robertson, Carl  
Winchell, George

Kepner, Susan  
McGuirk, Thomas  
Nord, Susi  
Russell, Trinka

### STRAFFORD

Berube, Roger  
Brown, Larry  
DeChane, Marlene  
Hofemann, Roland  
Mickelonis, Shawn  
Rous, Emma  
Smec, Robert

Billian, Deborah  
Browne, Brendon  
Fargo, Thomas  
Hubbard, Pamela  
Miller, Joseph  
Schmidt, Peter  
Wall, Janet

Brennan, William  
Burke, Rachel  
Goodwin, Earle  
Hutz, Sarah  
Perry, Robert  
Smith, Marjorie  
Watson, Robert

Brown, George  
Cyr, James  
Grassie, Anne  
Kaen, Naida  
Rollo, Michael  
Sprague, Dale

### SULLIVAN

Cloutier, John  
Gottling, Suzanne  
Phinizy, James

Converse, Larry  
Houde, Matthew  
Skinder, Carla

Donovan, Thomas  
Jillette, Arthur Jr

Franklin, Peter  
Nielsen, Ellen

### NAYS 103

#### BELKNAP

Allen, Janet  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Thomas, John  
Whalley, Michael

Flanders, Donald  
Tilton, Franklin

Millham, Alida  
Tobin, William

### CARROLL

Ahlgren, Christopher  
Morrow, Harry

Brown, Carolyn  
Stevens, Stanley

Chandler, Gene

Martin, James

### CHESHIRE

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

### COOS

King, Frederick

Tholl, John Jr

### GRAFTON

Bulis, Lyle

Eaton, Stephanie

Ingbretson, Paul

Williams, Burton

### HILLSBOROUGH

Barry, Richard  
Coughlin, Pamela  
Elliott, Nancy  
Haefner, Robert  
Hogan, Edith  
Jasper, Shawn  
McRae, Karen  
Price, Pamela  
Spaulding, Jayne

Batula, Peter  
Crane, Elenore Casey  
Emerton, Larry  
Hansen, Ryan  
Holden, Randolph  
Kurk, Neal  
Mooney, Maureen  
Reeves, Sandra  
Tahir, Saghir

Christensen, Chris  
Daniels, Gary  
Fletcher, Richard  
Hawkins, Ken  
Hunter, Bruce  
L'Heureux, Robert  
Ober, Lynne  
Renzullo, Andrew  
Ulery, Jordan

Christiansen, Lars  
Day, Russell  
Graham, John  
Hinkle, Peyton  
Infantine, William  
Manney, Pamela  
Ober, Russell III  
Soucy, Connie  
Villeneuve, Maurice

### MERRIMACK

Anderson, Eric

Humphries, Charlie

Lockwood, Priscilla

MacKay, James

### ROCKINGHAM

Allen, Mary  
Bettencourt, David  
Dalrymple, David  
Fesh, Bob

Baldasaro, Alfred  
Buxton, Donald  
Devine, James  
Garcia, Marilinda

Bedrick, Jason  
Case, Frank  
Dumaine, Dudley  
Garrity, James

Belanger, Ronald  
Charron, Gene  
Emiro, Frank  
Griffin, Mary

Guthrie, Joseph  
Katsakiores, Phyllis  
Pearson, Mark  
Reagan, John  
Weare, Everett  
Wickson, Rick

Hopfgarten, Paul  
Lund, Howie  
Priestley, Anne  
Sanders, Elisabeth  
Welch, David

Itse, Daniel  
Major, Norman  
Quandt, Marshall  
Stiles, Nancy  
Wells, Roger

Kappler, Lawrence  
McMahon, Charles  
Rausch, James  
Waterhouse, Kevin  
Weyler, Kenneth

## STRAFFORD

None

## SULLIVAN

Rodeschin, Beverly  
and the committee report was adopted.  
Ordered to third reading.

### **HB 133**, relative to voter registration forms. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William P. Denley for Election Law: This bill clarifies the requirements to claim domicile for the purpose of voting and causes the voter registration form to reflect those requirements. The committee felt that the current voter registration form inaccurately stated that a person could not be domiciled in New Hampshire for voting purposes without being subject to auto registration and other laws that apply to residents. The voter registration form was redrafted to reflect the current state of the law as it relates to domicile. Vote 11-4.

### **Amendment (0378h)**

Amend the bill by replacing section 1 with the following:

1 Voter Registration Form. Amend RSA 654:7 to read as follows:

654:7 Voter Registration Form. A standard registration application form shall be used throughout the state. The registration form shall be no larger than 8½ inches by 11 inches. The secretary of state shall prescribe the form of the voter registration form, which shall be in substantially the following form:

Date \_\_\_\_\_

### **VOTER REGISTRATION FORM**

(Please print or type)

1. Name \_\_\_\_\_

Last (suffix) First Full Middle Name

2. Address \_\_\_\_\_

Street Ward Number

Town or City Zip Code

3. Mailing Address if \_\_\_\_\_

different than in 2 Street Ward Number

Town or City Zip Code

4. Place and Date of Birth \_\_\_\_\_

Town or City State

Date \_\_\_\_\_

5. If a naturalized citizen, give name of court where and date when naturalized \_\_\_\_\_

6. Place last registered to vote \_\_\_\_\_

Town or City

Street Ward Number

7. Name under which previously registered, if different from above \_\_\_\_\_

8. Party Affiliation (if any) \_\_\_\_\_

9. Driver's License Number \_\_\_\_\_ State \_\_\_\_\_

If you do not have a valid driver's license, provide the last four digits of your social security number \_\_\_\_\_

My name is \_\_\_\_\_. I am today registering to vote in the city/town of \_\_\_\_\_, New Hampshire.

I understand that to vote in this city/town, I must be *at least* 18 years of age, I must be a United States citizen, and I must be domiciled in this city/town.

~~[I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled in any other state or any other city/town. I understand that if I am domiciled in another state or city/town, I may be entitled to vote in elections held within that state or city/town by absentee ballot.~~

~~In declaring New Hampshire as my domicile, I am subject to the laws of the State of New Hampshire which apply to all residents, including laws requiring me to register my motor vehicles and apply for a New Hampshire driver's license within 60 days of becoming a resident.~~

~~In declaring New Hampshire as my domicile, I realize that I may be forfeiting benefits or rights, including the right to vote in another state.~~

~~If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.]~~

*I understand that I can claim only one city/town as my domicile at a time. A domicile is that place, more than any other, where I sleep most nights of the year, or to which I intend to return after a temporary absence. By registering or voting today, I acknowledge that I am not registering to vote or voting in any other city/town.*

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.<sup>[2]</sup>

---

Date

---

Signature

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.  
Rep. Nancy Elliott requested a roll call; sufficiently seconded.

## YEAS 223 NAYS 106

### YEAS 223

#### BELKNAP

Arsenault, Beth

Morrison, Gail

Reever, Judith

#### CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Cunningham, Howard

Denley, William

Heard, Virginia

Martin, James

Patten, Betsey

Stevens, Stanley

#### CHESHIRE

Allen, Peter

Burridge, Delmar

Butcher, Suzanne

Butterworth, Timothy

Butynski, William

Chase, William

Dunn, J. Timothy

Eaton, Daniel

Espiefs, Peter

Lerandean, Alfred

Mitchell, Bonnie

Parkhurst, Henry

Plifka, Stanley Jr

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

Sad, Tara

Weber, Lucy

Weed, Charles

#### COOS

Hatch, William

Ingersoll, Paul Sr

Mears, Edgar

Merrick, Evalyn

Remick, William

Theberge, Robert

Thomas, Yvonne

#### GRAFTON

Aguiar, James

Andersen, Gene

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Estes, Carole

Friedrich, Carol

Gionet, Edmond

Hammond, Lee

Harding, A Laurie

Lovett, Sid

McLeod, Martha

Mulholland, Catherine

Nordgren, Sharon

Pierce, David

Preston, Philip

Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
Chase, Claudia  
Edwards, Andrew  
Forest, Armand  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Kopka, Angeline  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily  
O'Neil, James  
Rosenwald, Cindy  
Shaw, Kimberly  
Spratt, Stephen  
Velez, Hector

Beck, Catriona  
Clemons, Jane  
Essex, David  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Holden, Randolph  
Kelley, John  
Lasky, Bette  
Levesque, Melanie  
Marshall, Seth  
Messier, Irene  
Pilotte, Maurice  
Schulze, Joan  
Simon, Anthony  
Sullivan, Daniel  
Winters, Joel

Brunelle, Michael  
Cote, David  
Farley, Michael  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Irwin, Anne-Marie  
Knowles, John  
Leishman, Peter  
Lisle, Carolyn  
Martineau, Jesse  
Movsesian, Lori  
Reuschel, Michael  
Shattuck, Gilman  
Smith, David  
Sysyn, Mary

Campbell, David  
Daler, Jennifer  
Fontas, Jeffrey  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Jean, Claudette  
Knowles, Mary Ann  
Lessard, Rudy  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Rochette, Eric  
Shaw, Barbara  
Smith, Sandra  
Vaillancourt, Steve

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
Foote, Robert  
Hamm, Christine  
Osborne, Jessie  
Richardson, Gary  
Wallner, Mary  
Williams, Robert

Beauchesne, Suzanne  
Clarke, Claire  
French, Barbara  
Kelly, Sally  
Porter, Margaret  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

Blanchard, Elizabeth  
Davis, Frank  
Gile, Mary  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Webb, Leigh

Bouchard, Candace  
Ehlers, Eileen  
Greco, Vincent  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Wheeler, Deborah

**ROCKINGHAM**

Abbott, Dennis  
Day, Judith  
Flockhart, Eileen  
Howard, Doreen  
Kepner, Susan  
McGuirk, Thomas  
Nord, Susi  
Russell, Trinkia  
Wells, Roger

Borden, David  
Devine, James  
Gould, Kenneth  
Ingram, Russell  
Marsh, Michael  
McKenna, Daniel  
Pantelakos, Laura  
Snow, Richard  
Winchell, George

Cali-Pitts, Jacqueline  
DiFruscia, Anthony  
Grote, Otto  
Kelley, Jane  
McCarthy, Linda  
Moody, Marcia  
Preston, Mark  
Splaine, James

Casey, Kimberley  
Flanders, John Sr  
Henson, John  
Kennedy, James  
McEachern, Paul  
Moore, Bennett  
Robertson, Carl  
Weare, Everett

**STRAFFORD**

Berube, Roger  
Brown, Julie  
Cyr, James  
Hubbard, Pamela  
Miller, Joseph  
Rous, Emma  
Smec, Robert

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Hutz, Sarah  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Brennan, William  
Browne, Brendon  
Fargo, Thomas  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Watson, Robert

Brown, George  
Burke, Rachel  
Hofemann, Roland  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith

**SULLIVAN**

Cloutier, John  
Franklin, Peter  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Ferland, Brenda  
Jillette, Arthur Jr

**NAYS 106****BELKNAP**

Allen, Janet  
Nedeau, Stephen  
Tobin, William

Boyce, Laurie  
Russell, David  
Wendelboe, Fran

Flanders, Donald  
Thomas, John  
Whalley, Michael

Millham, Alida  
Tilton, Franklin



**CARROLL**

Ahlgren, Christopher  
Merrow, Harry

Brown, Carolyn

Chandler, Gene

Knox, J. David

**CHESHIRE**

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

**COOS**

King, Frederick

Tholl, John Jr

**GRAFTON**

Bulis, Lyle  
Sorg, Gregory

Dingman, Vernon III  
Williams, Burton

Eaton, Stephanie

Ingbretson, Paul

**HILLSBOROUGH**

Barry, Richard  
Coughlin, Pamela  
Drisko, Richard  
Graham, John  
Hinkle, Peyton  
Jasper, Shawn  
McRae, Karen  
Price, Pamela  
Spaulding, Jayne

Batula, Peter  
Crane, Elenore Casey  
Elliott, Nancy  
Haefner, Robert  
Hogan, Edith  
Kurk, Neal  
Mooney, Maureen  
Reeves, Sandra  
Tahir, Saghir

Christensen, Chris  
Daniels, Gary  
Emerton, Larry  
Hansen, Ryan  
Hunter, Bruce  
L'Heureux, Robert  
Ober, Lynne  
Renzullo, Andrew  
Ulery, Jordan

Christiansen, Lars  
Day, Russell  
Fletcher, Richard  
Hawkins, Ken  
Infantine, William  
Manney, Pamela  
Ober, Russell III  
Soucy, Connie  
Villeneuve, Maurice

**MERRIMACK**

Anderson, Eric

Humphries, Charlie

Lockwood, Priscilla

MacKay, James

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Charron, Gene  
Fesh, Bob  
Guthrie, Joseph  
Kappler, Lawrence  
McKinney, Betsy  
Quandt, Marshall  
Stiles, Nancy  
Wickson, Rick

Baldasaro, Alfred  
Buxton, Donald  
Dalrymple, David  
Garcia, Marilinda  
Hopfgarten, Paul  
Katsakiores, Phyllis  
McMahon, Charles  
Rausch, James  
Waterhouse, Kevin

Bedrick, Jason  
Carson, Sharon  
Dumaine, Dudley  
Garrity, James  
Hutchinson, Karen  
Lund, Howie  
Pearson, Mark  
Reagan, John  
Welch, David

Belanger, Ronald  
Case, Frank  
Emiro, Frank  
Griffin, Mary  
Itse, Daniel  
Major, Norman  
Priestley, Anne  
Sanders, Elisabeth  
Weyler, Kenneth

**STRAFFORD**

Goodwin, Earle

**SULLIVAN**

Rodeschin, Beverly  
and the committee report was adopted.  
Ordered to third reading.

**HB 609-FN, relative to disclosure of campaign contributions in local elections. OUGHT TO PASS WITH AMENDMENT.**

Rep. Claudia A. Chase for Election Law: Currently, we have no mechanism to tie candidates to those who support them in local elections. HB 609 provides transparency to financial contributions made in local elections. Vote 13-2.

**Amendment (0624h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Bylaws; Reporting of Contributions. Amend RSA 31:39, I by inserting after subparagraph (n) the following new subparagraph:

(o) Requiring the reporting of contributions to, and expenditures by, any candidate or political committee made for the purpose of influencing the election of any candidate for local elective office, or any person or committee for the purpose of influencing the vote on any ballot or referendum question.

2 New Paragraph; Bylaws; Reporting of Contributions. Amend RSA 47:17 by inserting after paragraph XIV-A the following new paragraph:

XIV-b. LOCAL ELECTION REPORTING REQUIREMENTS. Requiring the reporting of contributions to, and expenditures by, any candidate or political committee made for the purpose of influencing the election of any candidate for local elective office, or any person or committee for the purpose of influencing the vote on any ballot or referendum question.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill authorizes towns and cities to make bylaws requiring reports of political contributions and expenditures.

Amendment adopted.

Committee report adopted and ordered to third reading.

### **HB 756-FN**, relative to centralized voter registration database information. **INEXPEDIENT TO LEGISLATE.**

Rep. William P. Denley for Election Law: A majority of the committee felt that the privacy of individuals in having their voter registration information kept confidential was outweighed by the benefit to the public of having said information available to candidates for public office and others, and the cost of segregating the names of those who wanted their information kept private was prohibitive. Vote 13-2.

Rep. Kurk spoke against.

Rep. Denley spoke in favor.

On a division vote, 273 members having voted in the affirmative and 65 in the negative, the committee report was adopted.

### **SPECIAL ORDER**

**CACR 11**, relating to the term of office for governor. Providing that beginning with the 2010 general election, there shall be a 4-year term of office for governor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. A. Laurie Harding for the Majority of Executive Departments and Administration: The majority of the committee felt that it was, once again, important to put this issue before the voters in the form of a constitutional amendment. The four year term was last presented to the voters in 1984. 63.61% voted in favor of a four year term, narrowly missing the required 66.67% needed for adoption. Recent polls indicate that 58% of the individuals polled would support such a change. New Hampshire is one of the only two states that has a two year term for governor. The other is Vermont. New Hampshire is a very different state than it was in 1984. Our demographics have changed. Health care delivery, the economy, the environment are presenting us with more complex problems. Our relationship with the federal government is becoming more challenging. A four year gubernatorial term would give the individual in our primary leadership position an opportunity to govern instead of running for office. Governors need a chance to establish and carry out their agendas. The passage of CACR 11 is about strengthening the future of our state. Vote 9-8.

Rep. Hector M. Velez for the Minority of Executive Departments and Administration: The minority firmly believes in the people's right to be heard every two years in the election of governor. We elect our federal congressional representatives, state representatives, state senators, and executive councilors every two years. By changing the governor's term to four years, it removes the people's right to express their opinion on how the governor's policies are being received. We heard that one of the reasons this bill was brought forward was because New Hampshire and Vermont were the only two states without a four year term. We believe that we should remain independent in having a two year term. Historically, the governor has been elected to a second term in office. This has happened because we have no term limits, and the people of our state, by voting every two years, have made the decision of who will lead us. This bill takes away the New Hampshire advantage. We were also told the governor has to think too much about re-election, and we believe that this is a good idea.

Reps. McEachern and Campbell spoke in favor and yielded to questions.  
 Reps. Schmidt, Velez, David Smith and Hutchinson spoke against.  
 Reps. DiFruscia and Harding spoke in favor.  
 Rep. Campbell requested a roll call; sufficiently seconded.

### YEAS 185 NAYS 168

#### YEAS 185

#### BELKNAP

Arsenault, Beth	Morrison, Gail	Reever, Judith
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#### CARROLL

Ahlgren, Christopher	Bridgham, Robert	Butler, Edward	Cunningham, Howard
Denley, William	Heard, Virginia	Martin, James	

#### CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Eaton, Daniel	Espiefs, Peter
Lerandeau, Alfred	Mitchell, Bonnie	Richardson, Barbara	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

#### COOS

Hatch, William	Mears, Edgar	Merrick, Evalyn	Thomas, Yvonne
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#### GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Bulis, Lyle	Cooney, Mary	Estes, Carole	Friedrich, Carol
Hammond, Lee	Harding, A Laurie	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip	Williams, Burton		

#### HILLSBOROUGH

Beck, Catriona	Campbell, David	Chase, Claudia	Christensen, Chris
Clemons, Jane	Cote, David	Daler, Jennifer	Edwards, Andrew
Essex, David	Farley, Michael	Fontas, Jeffrey	Forest, Armand
Foster, Linda	Francoeur, Bea	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Hackel, Paul	Hall, Betty	Hammond, Jill
Harvey, Suzanne	Irwin, Anne-Marie	Jean, Claudette	Kaelin, Michael
Kelley, John	Knowles, John	Knowles, Mary Ann	Kopka, Angeline
Lasky, Bette	Leishman, Peter	Levesque, Melanie	Lisle, Carolyn
Long, Patrick	Mack, Ron	Marshall, Seth	Matarazzo, Anthony Sr
Mesa, Lily	Messier, Irene	Movsesian, Lori	O'Brien, Michael Sr
O'Neil, James	Peterson, Andy	Pilotte, Maurice	Reuschel, Michael
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Simon, Anthony
Smith, Sandra	Spratt, Stephen	Sullivan, Daniel	Sysyn, Mary

#### MERRIMACK

Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace	Brown, Carole
Brueggemann, Donald	Davis, Frank	DeJoie, John	DeStefano, Stephen
Ehlers, Eileen	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hamm, Christine	Kelly, Sally	Kidder, David
Kjellman, Eleanor Glynn	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reardon, Tara	Richardson, Gary	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary	Walz, Mary	Wheeler, Deborah
Williams, Robert	Yeaton, Charles		

#### ROCKINGHAM

Abbott, Dennis	Buxton, Donald	Cali-Pitts, Jacqueline	Case, Frank
Casey, Kimberley	Day, Judith	DiFruscia, Anthony	Dumaine, Dudley

Emiro, Frank  
Kelley, Jane  
McEachern, Paul  
Nord, Susi  
Snow, Richard

Flockhart, Eileen  
Kepner, Susan  
McGuirk, Thomas  
Pantelakos, Laura  
Splaine, James

Grote, Otto  
Marsh, Michael  
McKenna, Daniel  
Pearson, Mark

Howard, Doreen  
McCarthy, Linda  
Moore, Bennett  
Robertson, Carl

### STRAFFORD

Brennan, William  
Burke, Rachel  
Hofemann, Roland  
Perry, Robert  
Smith, Marjorie  
Wall, Janet

Brown, George  
Cyr, James  
Knowles, William  
Rollo, Deanna  
Spang, Judith

Brown, Larry  
 Fargo, Thomas  
 Mickelonis, Shawn  
 Rollo, Michael  
 Sprague, Dale

Browne, Brendon  
Goodwin, Earle  
Miller, Joseph  
Rous, Emma  
Srnc, Robert

### SULLIVAN

Cloutier, John  
Gottling, Suzanne  
Skinder, Carla

Donovan, Thomas  
Houde, Matthew

Franklin, Peter  
Jillette, Arthur Jr

Gagnon, Raymond  
Nielsen, Ellen

### NAYS 168

#### BELKNAP

Allen, Janet  
Millham, Alida  
Tilton, Franklin

Boyce, Laurie  
Nedeau, Stephen  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Flanders, Donald  
Thomas, John  
Whalley, Michael

### CARROLL

Brown, Carolyn  
Merrow, Harry

Buco, Thomas  
Patten, Betsey

Chandler, Gene  
Stevens, Stanley

Knox, J. David

### CHESHIRE

Dunn, J. Timothy  
Parkhurst, Henry

Emerson, Susan  
Pelkey, Stephen

Hunt, John  
Plifka, Stanley Jr

Johnson, Jane  
Roberts, Kris

### COOS

King, Frederick

Remick, William

Theberge, Robert

Troll, John Jr

### GRAFTON

Andersen, Gene  
Solomon, Peter

Dingman, Vernon III  
Sorg, Gregory

Eaton, Stephanie

Gionet, Edmond

### HILLSBOROUGH

Baroody, Benjamin  
Bergin, Peter  
Coughlin, Pamela  
Drisko, Richard  
Gargas, Carolyn  
Haley, Robert  
Hinkle, Peyton  
Infantine, William  
L'Heureux, Robert  
Manney, Pamela  
Ober, Lynne  
Renzullo, Andrew  
Smith, David  
Tahir, Saghir  
Villeneuve, Maurice

Barry, Richard  
Brunelle, Michael  
Crane, Elenore Casey  
Elliott, Nancy  
Gorman, Mary  
Hansen, Ryan  
Hogan, Edith  
Jasper, Shawn  
Lawrence, James  
Martineau, Jesse  
Ober, Russell III  
Rosenwald, Cindy  
Soucy, Connie  
Ulery, Jordan  
Winters, Joel

Batula, Peter  
Christiansen, Lars  
Daniels, Gary  
Emerton, Larry  
Graham, John  
Hawkins, Ken  
Holden, Randolph  
Katsiantonis, George  
Lessard, Rudy  
McRae, Karen  
Price, Pamela  
Rowe, Robert  
Spaulding, Jayne  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Clark, Mark  
Day, Russell  
Fletcher, Richard  
Haefner, Robert  
Hebert, Roger  
Hunter, Bruce  
Kurk, Neal  
Levasseur, Nickolas  
Mooney, Maureen  
Reeves, Sandra  
Schulze, Joan  
Stepanek, Stephen  
Velez, Hector

### MERRIMACK

Anderson, Eric  
Lockwood, Priscilla

Baxley, Maureen  
MacKay, James

Clarke, Claire  
Porter, Margaret

Humphries, Charlie  
Webb, Leigh

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Bishop, Franklin	Borden, David	Camm, Kevin	Carson, Sharon
Charron, Gene	Dalrymple, David	Devine, James	Fesh, Bob
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Gould, Kenneth
Griffin, Mary	Guthrie, Joseph	Headd, James	Henson, John
Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell	Itse, Daniel
Johnson, Robert	Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis
Kennedy, James	Lund, Howie	Major, Norman	McKinney, Betsy
McMahon, Charles	Moody, Marcia	Packard, Sherman	Preston, Mark
Priestley, Anne	Quandt, Marshall	Rausch, James	Reagan, John
Russell, Trink	Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin
Weare, Everett	Welch, David	Wells, Roger	Weyler, Kenneth
Wickson, Rick	Winchell, George		

**STRAFFORD**

Berube, Roger	Billian, Deborah	Brown, Julie	DeChane, Marlene
Domingo, Baldwin	Hilliard, Dana	Hubbard, Pamela	Hutz, Sarah
Kaen, Naida	Schmidt, Peter	Watson, Robert	

**SULLIVAN**

Converse, Larry	Ferland, Brenda	Phinizz, James	Rodeschin, Beverly
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and the majority committee report failed lacking the constitutionally required three-fifths vote.

Rep. Velez moved Inexpedient to Legislate.

On a division vote, 187 members having voted in the affirmative and 166 in the negative, the motion was adopted.

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby the House, on a division vote of 187-166, adopted the motion of Inexpedient to Legislate on *CACR II*, relating to the term of office for governor. Providing that beginning with the 2010 general election, there shall be a 4-year term of office for governor. Motion failed.

**REGULAR CALENDAR (CONT'D)**

**HB 46-FN-A-L**, making an appropriation to support kindergarten programs in the towns of Merrimack, Hampstead, and Goffstown. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen B. Stepanek for Finance: The state now takes three years to include students in its count for the purpose of state aid. Currently the state is providing \$1,600.00 per kindergarten student in aid to the towns. The state many years ago agreed to fund \$1,200.00 per student during the three year period they were waiting for their kindergarten students to be counted by the state. This agreement has been extended many times over the years. It was the belief of the committee that we should continue this policy to assist towns who commit to add kindergarten and not penalize them because the state takes three years to identify these new students. Vote 19-2.

**Amendment (0303h)**

Amend the bill by replacing section 1 with the following:

1 Appropriation. There is hereby appropriated the sum of \$1,251,600, for the biennium ending June 30, 2009, to the department of education for the support of kindergarten programs in the towns of Merrimack, Hampstead, and Goffstown. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Rep. Marjorie Smith moved Recommit.

Motion adopted.

Recommitted to the Committee on Finance.

**HB 118**, extending the commission to determine the appropriate use of real property destroyed in the October 2005 floods, established in 2006, 256. **OUGHT TO PASS WITH AMENDMENT.** Rep. David L. Smith for Finance: The bill extends the commission from December 31, 2006 to December 31, 2007. This will enable the commission to conclude its business concerning the acquired properties and finalize any pending agreements which will not have financial impact. It was stated that no additional state funds are needed. Therefore an amendment was introduced that called for the original \$2,800,000 appropriation to the Department of Transportation reduced to \$2,120,000, and to extend the commission to December 31, 2007. Any unexpended funds shall lapse on June 30, 2007. Vote 24-0.

#### **Amendment (0050h)**

Amend the title of the bill by replacing it with the following:

AN ACT reducing a prior appropriation to the department of transportation to purchase flood damaged property and extending the commission to determine the appropriate public use of the property.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation to Department of Transportation to Purchase Flood Damaged Property. Amend 2006, 256:2 to read as follows:

256:2 Appropriation. The sum of [~~\$2,800,000~~] **\$2,120,000** for the biennium ending June 30, 2007, is hereby appropriated to the department of transportation for the purpose of purchasing property pursuant to section 1 of this act. [~~Such moneys shall be nonlapsing and continually appropriated to the department of transportation for the purposes of section 1 of this act.~~] The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Commission to Determine Public Use for Flood-Damaged Property. Amend 2006, 256:4, V to read as follows:

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 31, [~~2006~~] **2007**.

3 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill reduces the appropriation to the department of transportation to purchase flood damaged property and extends the reporting date of the commission established in 2006, 256 to determine an appropriate public use for the property.

Amendment adopted.

Committee report adopted and ordered to third reading

**HB 604-FN**, prohibiting the taking of deer from baited areas. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David H. Kidder for Fish and Game: It was the feeling of the committee that it is our job as a policy committee to set policy for the Fish and Game Department. This was a highly debated bill as shown by the 9-6 vote. The majority felt that the definition of hunting was "fair chase" and pursuit. Baiting seems to have had a negative effect on the deer herd in limited parts of the state, although the overall herd is in very good condition throughout the state. The committee also believed that banning baiting would not affect opportunities for the handicapped. Naturally occurring agricultural fields and orchards are not restricted by this bill. The bill was amended to also prohibit the feeding of deer during the deer hunting season. There was testimony that license sales would be negatively impacted but that was not the feeling of the majority. Vote 9-6.

#### **Amendment (0620h)**

Amend the bill by replacing section 2 with the following:

2 New Paragraphs; Manner of Taking Deer. Amend RSA 208:7 by inserting after paragraph III the following new paragraphs:

IV. No person shall place bait for the taking of deer, or shall knowingly take deer from a baited area; provided that the executive director may grant a special permit for scientific purposes, animal damage control, or for any other purpose, allowing such baiting, at the discretion of the executive director. For purposes of this paragraph, "baiting" means placing salt, fruit, nuts, grain, or

other foods known to be attractive to deer. Nothing in this definition shall prohibit the taking of deer from an observation stand or blind overlooking standing crops, foods that have been left as a result of normal agricultural operations, or as a result of a natural occurrence.

V. No person shall feed deer by placing salt, fruit, nuts, grain or other foods known to be attractive to deer during any open season for the taking of deer. This paragraph shall not prohibit normal agricultural and forest practices.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Penalties. Amend RSA 208:21, II to read as follows:

II. RSA 208:3, 3-a, 3-b, 3-c, 4, 5, 5-a, 6-a, 7, III *through* V, 10, and 12-16 inclusive, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

### AMENDED ANALYSIS

This bill prohibits the practice of baiting for the taking of deer, and also prohibits feeding deer during deer season with foods known to be attractive to deer. The bill allows the executive director to issue special permits using baiting.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Skinder spoke in favor and yielded to questions.

Reps. Dingman and Patten spoke against.

Reps. Kappler and Abbott spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

### YEAS 224 NAYS 124

#### YEAS 224

#### BELKNAP

Arsenault, Beth  
Wendelboe, Fran

Flanders, Donald

Morrison, Gail

Reever, Judith

#### CARROLL

Ahlgren, Christopher  
Cunningham, Howard

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Martin, James

Butler, Edward

#### CHESHIRE

Allen, Peter  
Butynski, William  
Johnson, Jane  
Roberts, Kris  
Weed, Charles

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Robertson, Timothy

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Sad, Tara

Butterworth, Timothy  
Eaton, Daniel  
Richardson, Barbara  
Weber, Lucy

#### COOS

Hatch, William

Merrick, Evalyn

Remick, William

Thomas, Yvonne

#### GRAFTON

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
Mulholland, Catherine  
Solomon, Peter

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
Nordgren, Sharon  
Sorg, Gregory

Andersen, Gene  
Estes, Carole  
Lovett, Sid  
Pierce, David

Benn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Preston, Philip

#### HILLSBOROUGH

Baroody, Benjamin  
Campbell, David  
Cote, David  
Edwards, Andrew  
Gargas, Carolyn

Beck, Catriona  
Chase, Claudia  
Crane, Elenore Casey  
Farley, Michael  
Garrity, Patrick

Bergeron, Jean-Guy  
Christiansen, Lars  
Daler, Jennifer  
Fontas, Jeffrey  
Ginsburg, Ruth

Bergin, Peter  
Clemons, Jane  
Day, Russell  
Foster, Linda  
Gorman, Mary

Hackel, Paul  
Hawkins, Ken  
Irwin, Anne-Marie  
Knowles, John  
Leishman, Peter  
Mack, Ron  
Messier, Irene  
Ober, Russell III  
Rochette, Eric  
Shaw, Barbara  
Sysyn, Mary

Haley, Robert  
Hebert, Roger  
Jean, Claudette  
Knowles, Mary Ann  
Levasseur, Nicholas  
Marshall, Seth  
Movsesian, Lori  
Peterson, Andy  
Rosenwald, Cindy  
Shaw, Kimberly  
Vaillancourt, Steve

Hammond, Jill  
Holden, Randolph  
Kaelin, Michael  
Kopka, Angeline  
Levesque, Melanie  
Matarazzo, Anthony Sr  
O'Neil, James  
Pilotte, Maurice  
Schulze, Joan  
Simon, Anthony  
Villeneuve, Maurice

Harvey, Suzanne  
Infantine, William  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Mesa, Lily  
Ober, Lynne  
Reuschel, Michael  
Shattuck, Gilman  
Spratt, Stephen

### MERRIMACK

Baxley, Maureen  
Brown, Carole  
Foose, Robert  
Hamm, Christine  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Wheeler, Deborah

Beauchesne, Suzanne  
Brueggemann, Donald  
French, Barbara  
Kelly, Sally  
Osborne, Jessie  
Richardson, Gary  
Wallner, Mary  
Williams, Robert

Blanchard, Elizabeth  
Clarke, Claire  
Gile, Mary  
Kidder, David  
Porter, Margaret  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Webb, Leigh

### ROCKINGHAM

Abbott, Dennis  
Cali-Pitts, Jacqueline  
Day, Judith  
Flockhart, Eileen  
Howard, Doreen  
Kennedy, James  
McEachern, Paul  
Moore, Bennett  
Quandt, Matthew  
Splaine, James

Bettencourt, David  
Casey, Kimberley  
DiFruscia, Anthony  
Gould, Kenneth  
Johnson, Robert  
Kepner, Susan  
McGuirk, Thomas  
Nord, Susi  
Reagan, John  
Weare, Everett

Borden, David  
Charron, Gene  
Emiro, Frank  
Grote, Otto  
Kappler, Lawrence  
Lund, Howie  
McKenna, Daniel  
Pearson, Mark  
Russell, Trinkia  
Wickson, Rick

Buxton, Donald  
Dalrymple, David  
Fesh, Bob  
Henson, John  
Kelley, Jane  
McCarthy, Linda  
Moody, Marcia  
Quandt, Marshall  
Snow, Richard  
Winchell, George

### STRAFFORD

Billian, Deborah  
Burke, Rachel  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Srnc, Robert

Brennan, William  
DeChane, Marlene  
Hilliard, Dana  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Brown, George  
Domingo, Baldwin  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Warren, Nancy

Browne, Brendon  
Fargo, Thomas  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Watson, Robert

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizz, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

### NAYS 124

### BELKNAP

Allen, Janet  
Nedeau, Stephen  
Tobin, William

Boyce, Laurie  
Russell, David  
Whalley, Michael

Clark, Charles  
Thomas, John

Millham, Alida  
Tilton, Franklin

### CARROLL

Brown, Carolyn  
Merrow, Harry

Chandler, Gene  
Patten, Betsey

Denley, William  
Stevens, Stanley

Knox, J. David



**CHESHIRE**

Emerson, Susan	Espiefs, Peter	Hunt, John	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr		

**COOS**

King, Frederick	Mears, Edgar	Theberge, Robert	Tholl, John Jr
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**GRAFTON**

Bulis, Lyle	Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond
McLeod, Martha	Williams, Burton		

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Brunelle, Michael	Christensen, Chris
Clark, Mark	Coughlin, Pamela	Daniels, Gary	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Essex, David	Fletcher, Richard
Francoeur, Bea	Goley, Jeffrey	Graham, John	Haefner, Robert
Hansen, Ryan	Hinkle, Peyton	Hunter, Bruce	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Lessard, Rudy
Manney, Pamela	Martineau, Jesse	McRae, Karen	Mooney, Maureen
O'Brien, Michael Sr	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Smith, David	Smith, Sandra	Soucy, Connie
Spaulding, Jayne	Stepanek, Stephen	Sullivan, Daniel	Tahir, Saghir
Ulery, Jordan	Velez, Hector	Winters, Joel	

**MERRIMACK**

Anderson, Eric	DeJoie, John	DeStefano, Stephen	Ehlers, Eileen
Humphries, Charlie	MacKay, James		

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Camm, Kevin
Carson, Sharon	Case, Frank	Devine, James	Dumaine, Dudley
Flanders, John Sr	Garcia, Marilinda	Garritty, James	Gleason, John
Griffin, Mary	Guthrie, Joseph	Headd, James	Hopfgarten, Paul
Hutchinson, Karen	Ingram, Russell	Itse, Daniel	Katsakiores, George
Katsakiores, Phyllis	Major, Norman	McKinney, Betsy	McMahon, Charles
Packard, Sherman	Pantelakos, Laura	Preston, Mark	Priestley, Anne
Rausch, James	Robertson, Carl	Sanders, Elisabeth	Stiles, Nancy
Waterhouse, Kevin	Welch, David	Weyler, Kenneth	

**STRAFFORD**

Berube, Roger	Brown, Julie	Brown, Larry	Cyr, James
Sprague, Dale			

**SULLIVAN**

Ferland, Brenda Rodeschin, Beverly  
and the committee report was adopted.  
Ordered to third reading.

**SPECIAL ORDER**

**HB 846**, transferring certain land in the town of Stoddard from the Trust for Public Land to the fish and game department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Margaret E. Porter for Fish and Game: This bill authorizes the Fish and Game Department to acquire, maintain, and make available for public recreational use an area in and around the dam of Robb Reservoir, a 110 acre shallow water body in Stoddard. The Reservoir abuts a large tract of protected wetland and forest land. The amendment defines the area to be transferred to Fish and Game as a 2.5 acre (car-top boat launch) access site. Vote 11-0.

**Amendment (0323h)**

Amend RSA 482:49, III(d) as inserted by section 1 of the bill by replacing it with the following:

(d) The outlet dam, water rights, and 2.5 acre car-top boat launch access area at Robb Reservoir in the town of Stoddard, Cheshire County.

Amend paragraph IV as inserted by section 2 of the bill by replacing it with the following:

IV. Acceptance by the state of New Hampshire, acting through the fish and game department, of fee simple interest in approximately 2.5 acres, in and around the Robb Reservoir dam for reasonable public access, swimming, fishing, hunting, and non-motorized, carry-in, boat access including canoes, kayaks, inflatable rafts, and similar vessels.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 139**, requiring the reporting of burn injuries. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill as amended enables, but does not mandate, the reporting of burns by a health care professional, regardless of how they were caused. Most burns that are severe enough to require medical attention come through the emergency department by ambulance. Emergency physicians felt strongly that mandating them to report burns put them in the role of law enforcement, especially when the majority of these burns are already being reported to Emergency Medical Services (EMS) in the Department of Safety. This is being done through a relatively new automated reporting system (Temsis) in ambulances. As amended, this bill allows incidents that are identified by EMS as rising to the level of a crime to be shared with the Office of the State Fire Marshall, also in the Department of Safety, for his office's intervention when and if appropriate. Under 45 CFR 164.512 of the federal Hippa regulations, the Office of EMS and the Fire Marshall's Office are able to share personally identified information at that point as part of any ongoing investigation. The Fire Marshall's hope is then to coordinate with the local community some reassurance that minors will receive assessment and intervention that might help minimize any future dangerous fire setting behaviors, and to also ensure the protection of our frail elderly in their own homes, where severe accidents may happen. The Fire Marshall's Office supports this bill as amended as it will allow intervention that may save lives in the future. Vote 13-2.

**Amendment (0445h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the reporting of burn injuries.

Amend the bill by replacing section 1 with the following:

1 New Section; Reporting of Burn Injuries. Amend RSA 153 by inserting after section 11 the following new section:

**153:11-a Reporting of Burn Injuries.**

I. In any case where a health care professional is called upon to examine or treat a person for a burn injury not consistent with the explanation given by the burn victim, or from the handling of illegal explosives, or if a burn injury requires inpatient admission to a hospital, the health care professional may report such burn injury to the state fire marshal by telephone or electronic means.

II. A health care practitioner who, acting in good faith in reporting under this section or participating in a related investigation or proceeding, makes a report pursuant to paragraph I, shall be immune from civil or criminal liability for the act of reporting or participating in a related investigation or proceeding.

III. The bureau of emergency medical services shall provide notification to the state fire marshal of burn injury reports which it receives from emergency medical services providers.

**AMENDED ANALYSIS**

This bill allows health care professionals to report burn injuries to the state fire marshal in certain circumstances.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 246**, relative to identifying legislative enactments as public policy. **INEXPEDIENT TO LEGISLATE.**

Rep. Gail C. Morrison for Judiciary: This bill would create a process akin to a referendum or initiative, whereby all laws enacted by the legislature would be "subject to disapprobation by the people pursuant to the reserved right of petition in part I, article 32 to resolve any dispute concerning "public policy" by placing the same upon the ballot for ratification or nullification by the people." The second part of the bill calls for labeling all new legislation as "public policy." The text of the bill is confusing. The committee did not see a need for this legislation. Vote 12-1.

Committee report adopted.

**HB 508**, relative to the unlawful adoption of part 2, article 72-a of the New Hampshire constitution. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip Preston for Judiciary: This bill asserts that part 2, article 72-a of the New Hampshire constitution was unlawfully adopted and is therefore unenforceable. The majority of the committee did not concur that a conflict exists and therefore concluded that this legislation should be found inexpedient to legislate. Vote 12-1.

Committee report adopted.

**HB 306**, establishing a task force on work and family. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: The purpose of the task force in this bill is to identify the multiple barriers that keep New Hampshire workers from achieving economic security and maximizing their contributions to the state's economy as well as attending to family responsibilities. The task force shall submit an interim report of its findings and recommendations on or before November 1, 2007. Vote 13-4.

#### Amendment (0530h)

Amend subparagraph I(c) of section 3 of the bill by replacing it with the following:

(c) One member appointed by the governor.

Amend paragraph I of section 3 of the bill by inserting after subparagraph (y) the following new subparagraphs:

(z) The commissioner of the department of education, or designee.

(aa) A member of the Workforce Opportunity Council, appointed by the council's chairperson.

(bb) A member of the New Hampshire AFL-CIO, appointed by the chapter president.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 257**, allowing towns to appoint or elect a town treasurer. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for the Majority of Municipal and County Government: Currently a town treasurer can only be elected. This legislation gives a municipality the option to have the town treasurer appointed by the governing body or a town manager with approval from the governing body. The committee agreed that having this option placed on the warrant to be voted on during the annual town meeting is appropriate. Vote 14-2.

Rep. Robert J. Watson for the Minority of Municipal and County Government: The minority believes that electing public officials such as a treasurer is an important check and balance that has served New Hampshire's towns well for over 200 years. Elected officials are more accountable to the people. Appointing a treasurer would take power away from the people and further concentrate it in the hands of a few.

Rep. Bettencourt requested a roll call; sufficiently seconded.

#### YEAS 226 NAYS 86

#### YEAS 226

#### BELKNAP

Arsenault, Beth  
Morrison, Gail  
Tilton, Franklin

Clark, Charles  
Nedeau, Stephen  
Tobin, William

Flanders, Donald  
Reever, Judith  
Wendelboe, Fran

Millham, Alida  
Russell, David

#### CARROLL

Ahlgren, Christopher  
Cunningham, Howard  
Stevens, Stanley

Bridgham, Robert  
Denley, William

Brown, Carolyn  
Heard, Virginia

Butler, Edward  
Knox, J. David

#### CHESHIRE

Allen, Peter  
Chase, William  
Lerandeau, Alfred  
Robertson, Timothy

Burridge, Delmar  
Eaton, Daniel  
Mitchell, Bonnie  
Sad, Tara

Butterworth, Timothy  
Emerson, Susan  
Pelkey, Stephen  
Weber, Lucy

Butynski, William  
Espiefs, Peter  
Richardson, Barbara  
Weed, Charles

**COOS**

Hatch, William  
Theberge, Robert

Mears, Edgar  
Tholl, John Jr

Merrick, Evalyn  
Thomas, Yvonne

Remick, William

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Hammond, Lee  
Mulholland, Catherine

Almy, Susan  
Estes, Carole  
Harding, A Laurie  
Pierce, David

Benn, Bernard  
Friedrich, Carol  
Lovett, Sid  
Preston, Philip

Bleyler, Ruth  
Gionet, Edmond  
Matheson, Robert  
Williams, Burton

**HILLSBOROUGH**

Baroody, Benjamin  
Christensen, Chris  
Drisko, Richard  
Fletcher, Richard  
Ginsburg, Ruth  
Hackel, Paul  
Hawkins, Ken  
Irwin, Anne-Marie  
Knowles, John  
L'Heureux, Robert  
Lisle, Carolyn  
Martineau, Jesse  
Movsesian, Lori  
Pilotte, Maurice  
Schulze, Joan  
Spaulding, Jayne

Barry, Richard  
Cote, David  
Edwards, Andrew  
Fontas, Jeffrey  
Goley, Jeffrey  
Haley, Robert  
Hebert, Roger  
Jean, Claudette  
Knowles, Mary Ann  
Leishman, Peter  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Price, Pamela  
Shaw, Kimberly  
Spratt, Stephen

Beck, Catriona  
Coughlin, Pamela  
Emerton, Larry  
Foster, Linda  
Gorman, Mary  
Hammond, Jill  
Holden, Randolph  
Kaelin, Michael  
Kopka, Angeline  
Levasseur, Nickolas  
Mack, Ron  
Messier, Irene  
O'Neil, James  
Reeves, Sandra  
Smith, Sandra  
Sullivan, Daniel

Bergin, Peter  
Daler, Jennifer  
Farley, Michael  
Gargas, Carolyn  
Graham, John  
Harvey, Suzanne  
Hunter, Bruce  
Kelley, John  
Kurk, Neal  
Levesque, Melanie  
Marshall, Seth  
Mooney, Maureen  
Peterson, Andy  
Rochette, Eric  
Soucy, Connie  
Tahir, Saghir

**MERRIMACK**

Anderson, Eric  
Brown, Carole  
DeJoie, John  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances  
Shurtleff, Stephen  
Wheeler, Deborah

Beauchesne, Suzanne  
Brueggemann, Donald  
Ehlers, Eileen  
Kelly, Sally  
MacKay, James  
Reardon, Tara  
Tilton, Joy  
Williams, Robert

Blanchard, Elizabeth  
Clarke, Claire  
Foose, Robert  
Kidder, David  
Osborne, Jessie  
Richardson, Gary  
Wallner, Mary  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
French, Barbara  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Walz, Mary

**ROCKINGHAM**

Abbott, Dennis  
Case, Frank  
DiFruscia, Anthony  
Gould, Kenneth  
Henson, John  
Katsakiores, Phyllis  
McCarthy, Linda  
Moore, Bennett  
Priestley, Anne  
Stiles, Nancy

Borden, David  
Casey, Kimberley  
Flanders, John Sr  
Griffin, Mary  
Howard, Doreen  
Kennedy, James  
McGuirk, Thomas  
Nord, Susi  
Quandt, Marshall  
Welch, David

Buxton, Donald  
Charron, Gene  
Flockhart, Eileen  
Grote, Otto  
Ingram, Russell  
Kepner, Susan  
McKenna, Daniel  
Packard, Sherman  
Rausch, James  
Wickson, Rick

Cali-Pitts, Jacqueline  
Day, Judith  
Gleason, John  
Guthrie, Joseph  
Katsakiores, George  
Major, Norman  
Moody, Marcia  
Pantelakos, Laura  
Robertson, Carl

**STRAFFORD**

Berube, Roger  
Burke, Rachel  
Hofemann, Roland  
Knowles, William  
Rollo, Michael  
Sprague, Dale

Billian, Deborah  
Cyr, James  
Hubbard, Pamela  
Miller, Joseph  
Rous, Emma  
Wall, Janet

Brennan, William  
Domingo, Baldwin  
Hutz, Sarah  
Perry, Robert  
Schmidt, Peter  
Warren, Nancy

Browne, Brendon  
Fargo, Thomas  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Rodeschin, Beverly

Converse, Larry  
Gottling, Suzanne  
Skinder, Carla

Donovan, Thomas  
Houde, Matthew

Franklin, Peter  
Nielsen, Ellen

**NAYS 86****BELKNAP**

Allen, Janet

Boyce, Laurie

Thomas, John

**CARROLL**

Buco, Thomas

Merrow, Harry

**CHESHIRE**

Butcher, Suzanne

Hunt, John

Johnson, Jane

Parkhurst, Henry

**COOS**

None

**GRAFTON**

Andersen, Gene  
Solomon, Peter

Bulis, Lyle  
Sorg, Gregory

Dingman, Vernon III

Eaton, Stephanie

**HILLSBOROUGH**

Batula, Peter  
Christiansen, Lars  
Elliott, Nancy  
Infantine, William  
McRae, Karen  
Reuschel, Michael  
Smith, David  
Winters, Joel

Bergeron, Jean-Guy  
Crane, Elenore Casey  
Haefner, Robert  
Jasper, Shawn  
Mesa, Lily  
Shattuck, Gilman  
Ulery, Jordan

Brunelle, Michael  
Daniels, Gary  
Hinkle, Peyton  
Lawrence, James  
Ober, Russell III  
Shaw, Barbara  
Vaillancourt, Steve

Chase, Claudia  
Day, Russell  
Hogan, Edith  
Lessard, Rudy  
Renzullo, Andrew  
Simon, Anthony  
Villeneuve, Maurice

**MERRIMACK**

Baxley, Maureen

Humphries, Charlie

Tupper, Frank

Webb, Leigh

**ROCKINGHAM**

Allen, Mary  
Dalrymple, David  
Fesh, Bob  
Hutchinson, Karen  
Kelley, Jane  
McMahon, Charles  
Sanders, Elisabeth  
Weyler, Kenneth

Baldasaro, Alfred  
Devine, James  
Garcia, Marilinda  
Itse, Daniel  
Lund, Howie  
Pearson, Mark  
Snow, Richard  
Winchell, George

Bedrick, Jason  
Dumaine, Dudley  
Headd, James  
Johnson, Robert  
McEachern, Paul  
Reagan, John  
Waterhouse, Kevin

Bettencourt, David  
Emiro, Frank  
Hopfgarten, Paul  
Kappler, Lawrence  
McKinney, Betsy  
Russell, Trink  
Weare, Everett

**STRAFFORD**

Brown, George  
Watson, Robert

Brown, Julie

Brown, Larry

Mickelonis, Shawn

**SULLIVAN**

Ferland, Brenda  
and the majority committee report was adopted.  
Ordered to third reading.

Jillette, Arthur Jr

Phinazy, James

**SPECIAL ORDER**

**HB 391**, establishing a committee to study the implementation of a circuit breaker on property tax liability. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L. Osborne for Municipal and County Government: The committee agrees that there are problems regarding the ability of some property owners to pay taxes. However the committee fully realizes that the subject has been studied in depth and that currently there exist solutions such

as reverse mortgages and special tax liens which can be arranged, after demonstration to local officials that hardships exist. Unfortunately this circuit breaker concept would shift the burden to an increasingly smaller and smaller number of taxpayers and create a domino effect regarding the ability to absorb more increases in taxes. Vote 13-0.

Rep. Kennedy spoke against.

Rep. Theberge spoke in favor.

Committee report adopted.

### **SPECIAL ORDER**

**HB 851-FN-A-L**, relative to the determination of county payments for nursing home services. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F. Moore for Municipal and County Government: Currently the cost of nursing home services is paid by the usage of these nursing home services within each county. This legislation would have changed the county's share of service costs to a percentage based on the equalized assessed valuation in a county compared to the statewide equalized assessed valuation. If enacted, this bill would have created "donor" and "receiver" counties for the cost of the nursing home services. The purpose of this bill was to have a vehicle to address the sunset provision currently in place in RSA 167:18-b and RSA 167:18-f, which determines the counties liability for these nursing home services that is due to expire. This bill could also lessen the financial incentive for any county to effectively manage the costs of nursing home services. The bill was viewed by the committee as being an unfunded mandate by shifting the costs statewide without any vote of the legislative bodies. In order to find a comprehensive resolution to funding health care costs at the county level, all stakeholders need to sit at the table to give their input. A task force to study the effectiveness of county government is already in place and will continue that study through November, 2008. The latter is the venue for finding an agreed upon resolution. Vote 14-0.

Committee report adopted.

### **SPECIAL ORDER**

**HB 157**, establishing a committee to determine a permanent location for the old state house. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: The committee heard testimony from the Division of Historical Resources that it is already conducting a grant-funded study on the condition and future of the old state house. This study will not be completed until late 2008. With knowledge of this on-going project the committee felt that another study was not needed at this time. Vote 14-0.

Rep. Cali-Pitts spoke against.

Committee report adopted.

**HB 283**, allocating a portion of unrefunded road tolls to the dam maintenance fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin T. Tilton for Public Works and Highways: The result of electric utility restructuring on the state's hydro-lease program has been to severely reduce the revenue into the dam maintenance fund needed for the operation and maintenance of the 273 state-owned dams. This bill, as amended, reallocates one-half of the un-refunded road toll revenues from fuel taxes that are not claimed for refund by owners of boats into the dam maintenance fund. The other one-half of these revenues continues to be allocated to the Fish and Game Department. Vote 14-1.

### **Amendment (0535h)**

Amend the bill by replacing section 1 with the following:

1 Road Tolls; Exception. Amend RSA 260:60 to read as follows:

260:60 Exception. Notwithstanding all other laws and rules to the contrary, annually, on or before June 1, the road toll administrator shall compare the number of gallons on which refunds have been made for the preceding calendar year for motor fuel used in the propulsion of boats on inland public waters of the state, with the number of gallons of such motor fuel sold and delivered directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboards, based on the number of boats registered in the state at 100 gallons usage per boat, and if there is any balance of unrefunded tolls so collected, the administrator shall report the same to the state treasurer who shall, on July 1, next following, credit 1/2 of said

balance to the [general] *department of environmental services dam maintenance fund established under RSA 482:55* and credit 1/2 of said balance to the fish and game department. The funds credited to the *department of environmental services dam maintenance fund and the* fish and game department shall be used by [said] *each* department to carry out its program and be accounted for as the fish and game fund is accounted for. Any funds credited to the *department of environmental services dam maintenance fund and the* fish and game department as above provided shall not lapse at the end of the fiscal year. The department shall pay monthly to the state treasurer all revenue from the aircraft landing area toll.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Ways and Means.

### **SPECIAL ORDER**

**HB 403**, establishing the Interstate 93 widening commission. **INEXPEDIENT TO LEGISLATE.** Rep. John A. Graham for Public Works and Highways: This bill would have established a commission to "inform the legislature on the progress and problems in widening Interstate 93." The General Court (in 2005, HB 304, Chapter 58, Laws of 2005) required the Department of Transportation to submit progress reports on I-93 to the Capital Budget Overview Committee at least every 6 months. In 2006 HB 2006, Chapter 240, Laws of 2006, (The Ten-Year Transportation Plan) requires the DOT to report every 3 months to this oversight committee. The Public Works and Highways Committee feels that at present there is sufficient oversight of this critical project. The chair of the Capital Budget Oversight Committee has pledged to ensure that all meetings of this committee with the DOT will be announced well in advance to all members of the legislature and the public. This will enable all citizens the opportunity to hear from the DOT, without establishing yet another reporting requirement on the DOT. Vote 18-0.

Rep. Kurk spoke against.

Rep. Graham spoke in favor.

Committee report adopted.

### **SPECIAL ORDER**

**HB 189**, relative to swim lines in public waters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher J. Ahlgren for Resources, Recreation and Development: This bill prohibits the placing of a swim line on a public body of water without a permit. The permitting authority is placed with the Department of Safety. The bill also prohibits the operation of a boat within the designated swim area without permission of the permittee. The commissioner is given authority to place a reasonable fee for the application and renewal of the permits with legislative guidance. Vote 16-0.

### **Amendment (0292h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Navigation; Definitions; Swim Line. Amend RSA 270:2 by inserting after paragraph IX the following new paragraph:

X. "Swim line" means a combination of ropes, cables, and floats which encompass an area abutting the shore line, for the use of swimmers.

2 New Paragraph; Interference with Navigation; Placing Obstructions; Swim Lines. Amend RSA 270:26 by inserting after paragraph III the following new paragraph:

IV.(a) Any person who knowingly places a swim line in any public body of water without first obtaining a permit issued by the director of safety services shall be guilty of a violation.

(b) Any person who operates a boat within any permitted swim line on any public body of water without the permission of the permittee shall be guilty of a violation.

(c) The commissioner is authorized to establish fees and expiration periods for permits issued under subparagraph (a). The fee for a permit shall not be greater than \$50 and all permits shall expire no later than 5 years after the date of issuance. All fees collected under this paragraph shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

3 Effective Date. This act shall take effect January 1, 2008.

### **AMENDED ANALYSIS**

This bill prohibits placing a swim line in a public body of water without a permit and prohibits operating a boat within a permitted swim line.

Amendment adopted.

Committee report adopted and ordered to third reading.

**SPECIAL ORDER**

**HB 440-FN**, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marcia G. Moody for Resources, Recreation and Development: This legislation addresses three forestry problems. The first section requires all forest rangers hired after January 1, 2005 to complete the preparatory training for full-time police officers, and to then be certified as full-time police officers. Forest rangers are often called upon to do law enforcement functions and often in remote locations. Many forest rangers have already attended police training, but by mandating it, we will help secure more slots in training programs. Secondly, the bill authorizes the Director of the Division of Forests and Lands to regulate the movement within the state of any wood product which may introduce or spread dangerous insects or diseases. Third, the bill requires a written contract for the purchase or sale of forestry products, with a penalty for failure to provide such a contract. This will prevent deceptive forestry business practices. The amendment made technical corrections. Vote 17-1.

**Amendment (0156h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Forestry; Definitions. Amend RSA 227-G:2, XIV-XVII to read as follows:

XIV. "Primary wood processing mill" means any permanent or portable mill, *or any off-site log yard operated by a primary wood processing mill*, wherever located, sawing or otherwise processing logs, bolts, pulpwood, or other primary forest products into secondary forest products.

XV. "*Quarantine*" means a legal restriction duly imposed or enacted as a means for preventing or delaying the spread of a forest pest.

~~[XV]~~ XVI. "Reservation" means public land under the jurisdiction of the department including, but not limited to: state forest, state park, natural area, historic site, geological site, recreation trail, memorial area, fire tower, wayside area, heritage park, resource center, agricultural area, state forest nursery, fish pier, administrative facility, information center, demonstration forest, certain islands, and lands under lease to the department.

~~[XVI]~~ XVII. "Special purpose" means the management of reservations and state-owned forestlands which have been excluded from forest management due to environmental, public safety, or other reasons unique to the reservation or state-owned forestland as determined by the agency responsible for the reservation or state-owned forestland.

XVIII. "*Wood concentration yard*" means any site established and used for the purchase and resale of primary forest products from off-site locations and which is not a primary wood processing mill. Any site used primarily to process or store bark mulch shall not be a wood concentration yard.

~~[XVII]~~ XIX. "Woodland" includes cut-over land, slash, and such other land as bears a sufficient amount of wood growth, wood, weeds, grass, or other growth as to be likely to be burned

2 New Paragraphs; Administration; Rulemaking. Amend RSA 227-G:4 by inserting after paragraph VIII the following new paragraphs:

VIII-a. Quarantine measures that may be taken when forest pests are found in any geographic area pursuant to RSA 227-K.

VIII-b. The issuing of orders and permits pursuant to RSA 227-K:15.

3 New Paragraph; Forestry; Fines; Penalties. Amend RSA 227-G:5-a, by inserting after paragraph II the following new paragraph:

III. Unless otherwise provided by law, any person who violates any rule adopted under RSA 227-G:4 shall be guilty of a violation.

4 Forestry; Validity of Prosecutions. Amend RSA 227-G:8 to read as follows:

227-G:8 Validity of Prosecutions. Forest rangers and officials of the division appointed to enforce this title and other laws provided for in RSA 227-G:7 are authorized, upon successful completion of the preparatory training programs for *full-time or* part-time police officers established by the police standards and training council under RSA 188-F and their subsequent certification as *full-time or* part-time police officers, to prosecute these laws within the jurisdiction of municipal and district courts, unless the prosecutorial jurisdiction over a particular case or class of cases is preempted by the county attorney or the attorney general. Prosecutions for violations of any provisions of this title are declared to be valid and proper, notwithstanding the existence of any law of this state dealing with matters that may be the same as or similar to those covered by this title.



5 Forestry; Training of Forest Rangers. Amend RSA 227-G:9 to read as follows:  
227-G:9 Training of Forest Rangers.

I. Any forest ranger of the division appointed to enforce the provisions of this title and other laws provided for in RSA 227-G:7, shall successfully complete the preparatory training for part-time police officers established by the police standards and training council pursuant to RSA 188-F no later than one year from the date of hire. Upon successful completion of the training program, such forest ranger shall be certified as a part-time police officer.

***II. Any forest ranger of the division hired after January 1, 2005 appointed to enforce the provisions of this title and other laws provided for in RSA 227-G:7, shall successfully complete the preparatory training for full-time police officers established by the police standards and training council pursuant to RSA 188-F no later than one year from the date of hire. Upon successful completion of the training program, such forest ranger shall be certified as a full-time police officer.***

***III. Any forest ranger of the division hired before January 1, 2005 shall be certified as a full-time police officer upon successful completion of the preparatory training for full-time police officers established by the police standards and training council pursuant to RSA 188-F.***

6 New Paragraphs; Forest Health; Duties of the Director. Amend RSA 227-K:2 by inserting after paragraph II the following new paragraphs:

III. The director, in consultation with the commissioner and under the direction of the commissioner of agriculture, markets, and food, or designee, may establish quarantines as specified in the law or under the rules to prevent dissemination of forest pests within the state or into the state that have the potential to cause serious damage to forests.

IV. The director, with the approval of the commissioner and after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter. Rehearings and appeals from a decision of the director under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter.

(b) Procedures for notice and hearing prior to the imposition of the administrative fine.

V. The proceeds of administrative fines levied pursuant to paragraph IV shall be deposited by the director into the forest management and protection fund established under RSA 227-G:5, I.

7 Nursery Inspection; Regulation of Entry. RSA 227-K:14 is repealed and reenacted to read as follows:

227-K:14 Regulation of Entry. The director's authorized agents, under the direction of the director, may prohibit or regulate the entry into the state, or the movement within the state, of any tree, timber, log, wood, pole, underwood, or bark, or the products thereof, which in the agent's judgment may cause the introduction or spread of a dangerous insect or disease. This authority shall not extend to agricultural crops, nurseries, or nursery stock as regulated under RSA 433.

8 Nursery Inspection; Orders. Amend RSA 227-K:15 to read as follows:

227-K:15 Orders. ~~[The state nursery inspector and the commissioner of agriculture, markets, and food]~~ ***The director and the commissioner of resources and economic development*** may issue such orders, notifications, and permits as may be necessary to carry out the provisions of RSA 227K:14.

9 Forest Health; Penalties. RSA 227-K:17 is repealed and reenacted to read as follows:

277-K:1 Prohibitions; Penalty.

I. The following actions are prohibited:

(a) Violating any provisions of a quarantine issued under RSA 227-K:2, III.

(b) Violating any order or failing to obtain a permit issued under RSA 227-K:15.

(c) Selling, offering for sale, giving away, moving or shipping any tree, timber, log, wood, pole, underwood, or bark, or the products thereof into this state, or within this state, knowing or having reason to believe that they may be harboring a forest pest declared as a dangerous insect or disease, or have been exposed to any such pest. This authority shall not extend to agricultural crops, nurseries, or nursery stock as regulated under RSA 433.

II. Any person, or employee or agent of that person, who violates any provision of this section or rule adopted under this chapter shall be guilty of a violation. For any subsequent offense, a person shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

10 Forest Resource Information; Primary Wood Processing Mills. Amend RSA 227-I:9 to read as follows:

227-I:9 Primary Wood Processing Mills; **Wood Concentration Yards**; Registration; Penalty.

I. In order to [~~provide for the safety of woodlands from fire in relation to primary wood processing mills, and to protect and develop the state's forest resources, information as to location, owner, type of mill, operating capacity, species and volumes of wood and timber being processed, and output of wood and timber products shall be required~~] **protect and develop the state's forest resources, provide for the safety of woodlands from fire in relation to primary wood processing mills, and to respond to forest health threats, such mills and wood concentration yards shall be registered by the director. Primary wood processing mills shall provide the director with information on the locations, owner, type of mill, operating capacity, species, volumes, and state of origin of wood harvested and timber processed, purchased, and sold, and the output of wood and timber products.**

II.(a) No person shall operate or cause to be operated any mill processing primary forest products **or wood concentration yard** unless said mill **or wood concentration yard** shall be registered by the director.

(b) There shall be an annual mill registration fee of \$20 for all mills processing primary forest products **or wood concentration yards**, regardless of size, type of mill **or wood concentration yard**, or primary product being processed.

(c) Application for registration shall be made on forms provided by the director, giving the name of owner or owners, **and locations** [~~type and capacity~~] **of a primary wood processing mill or a wood concentration yard. Primary wood processing mills shall provide the director with information on the** [-] products produced, **type, capacity**, and such other pertinent information as the director may require. One application shall cover a mill complex in a given location involving more than one unit of equipment.

(d) The director shall issue to the applicant a permanent registration number assigned to the mill **or wood concentration yard** described in the application together with a sign or plate denoting such registration number, to be displayed in a conspicuous place at the mill **or wood concentration yard**.

III. The director, or duly authorized agent, may, at any time, inspect any primary wood processing mill **or wood concentration yard** to assure compliance with the provisions of this chapter.

IV. Any person who violates any of the provisions of this section or rules adopted under RSA 541-A shall, for the first 30-day period, be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. Each subsequent 30-day period or part thereof shall constitute a separate offense.

11 Timber Harvesting; Deceptive Forestry Business Practices. Amend RSA 227-J:15, II to read as follows:

II. In this section, "adulterated" means varying from a standard of composition or quality prescribed by any statute providing criminal penalties for such variance, or set by established commercial usage. In this section, "misabeled" means varying from a standard of truth or disclosure in labeling prescribed by any law providing criminal penalties for such variance, or set by established commercial usage. In this section, "scale slip" means a written or printed form or combination of forms which provide an accurate, readily understandable record [~~of the measurement of the wood to which it relates and is prepared by the person who measured the wood~~] **containing the species of wood product, board footage of each individual log when the standard unit of measurement is per thousand board feet, or tonnage or cordage when not sold per thousand board feet, gross scale, defect, net scale, date wood was measured, and the name of the party scaling the wood.**

III. **A person is guilty of a misdemeanor if, in the course of buying or selling a forest product as defined in RSA 227-G:4, VII, he or she recklessly fails to provide a written contract to the owner, prior to the cutting from the owner's property any forest products which are subject to a notice of intent to cut as defined in RSA 79:10. The contract shall be signed by both parties, specify the remuneration for the forest products to be cut, and the time in which remuneration shall be made.**

12 Repeal. RSA 227-K:13, relative to nursery inspection for the purpose of determining the presence of threatening insect or disease infestation, is repealed.

13 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill:

I. Requires all forest rangers hired after January 1, 2005 to complete the preparatory training for full-time police officers established by the police standards and training council and provides that any forest ranger hired before January 1, 2005 shall be certified as a full-time police officer upon successful completion of a preparatory training course.

II. Authorizes the director of the division of forests and lands to regulate entry into, or movement within, the state of any wood product which may cause the introduction or spread of a dangerous insect or disease.

III. Penalizes the failure to provide a written contract for the purchase or sale of forestry products as a deceptive forestry business practice.

IV. Repeals the authority of the state nursery inspector to enter land for the purpose of determining the presence of threatening insect or disease infestation.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Executive Departments and Administration.

## SPECIAL ORDER

**HB 498-FN-A**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department. **ought to pass with amendment.**

Rep. Donald A Brueggemann for Resources, Recreation and Development: This bill dedicates certain OHRV and small snowmobile unrefunded road rolls to the Fish and Game Department. In addition to providing badly needed funds to Fish and Game, the Department of Resources and Economic Development (DRED) trails bureau asserts that it needs to keep its share for repair of damage to trails crossing state roads. These funds are the tax that has been applied to gas purchased for OHRV's, but which are entitled to a refund since they are not for on-road use. Most OHRV users do not apply for this refund. Currently that amount is dedicated to the Bureau of Trails based on an annual average estimated purchase of 50 gallons per registered OHRV and snowmobile. The bill would have increased the estimated average to 150 gallons to be equally split between Fish and Game and the Bureau of Trails. The committee questioned the estimate and therefore amended it to a more reasonable 100 gallons per registered OHRV and snowmobile. The net effect is that the amount of funds dedicated to the Bureau of Trails is unchanged and Fish and Game would receive an equal amount. The amendment also reaffirms that the funds shall be non-lapsing. Vote 14-3.

## Amendment (0305h)

Amend RSA 260:61, I as inserted by section 1 of the bill by replacing it with the following:

I. Annually on or before June 30 the state treasurer shall transfer, from road tolls collected, an amount equal to the number of licensed OHRVs and snowmobiles for the previous year times the average number of gallons consumed per year per OHRV and snowmobile times the gasoline road toll imposed under RSA 260:32, less any amount refunded for OHRV and snowmobile use for the previous year, to the *fish and game department and the bureau of trails as follows. The road toll administrator shall report to the state treasurer if there is a balance of unrefunded road tolls collected. The administrator shall certify the amount to the state treasurer who shall credit ½ of such balance to the bureau of trails for use as provided in paragraph I-a, and ½ of such balance to the fish and game department for use as provided in paragraph I-b.* For the purposes of this section, "the average number of gallons consumed per year per OHRV or snowmobile" is [50] 100.

Amend RSA 260:61, I-b as inserted by section 1 of the bill by replacing it with the following:

*I-b. The fish and game department shall use the amount credited for the purposes listed in RSA 215-A:23, VIII and RSA 215-C:39, IX. Any unexpended balance in the amount credited shall not lapse, but shall be carried forward to the next fiscal year.*

Amendment adopted.

Rep. Graham spoke against and yielded to questions.

Rep. Brueggemann spoke in favor.

On a division vote, 203 members having voted in the affirmative and 130 in the negative, the committee report was adopted.

Referred to the Committee on Finance.

**HB 361**, relative to technical changes in certain laws governing public utilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Naida L. Kaen for Science, Technology and Energy: This bill includes several minor/technical changes to statutes relating to public utilities, including: simplifying the definition of energy facilities subject to the jurisdiction of the Site Evaluation Committee; removing criminal penalties for violations of certain statutes and Public Utilities Commission (PUC) orders and rules; updating the state's "Dig Safe" law governing excavations near utility facilities; and allowing the PUC to establish certain standards required by the Federal Energy Policy Act of 2005. More significantly, the bill authorizes a one-time special assessment of up to \$150,000 against Verizon, and FairPoint for the Office of Consumer Advocate (OCA) to hire expert consultants on behalf of residential ratepayers in the proposed acquisition of Verizon's New Hampshire landline assets by FairPoint. Current law allows the PUC to make a special assessment for such a case, but the OCA does not have such authority. The committee believes that this is an important case for the state and for ratepayers, and strongly supports this one-time assessment against the companies in this special case. Vote 15-0.

**Amendment (0538h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to certain laws governing public utilities and the proposed acquisition of certain assets and franchises of Verizon by FairPoint.

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions. Amend RSA 162-H:2, VII to read as follows:

VII. "Energy facility" means any industrial structure, other than bulk power supply facilities, as defined in paragraph II, that may be used substantially to extract, produce, manufacture, transport or refine sources of energy, including ancillary facilities as may be used or useful in transporting, storing or otherwise providing for the raw materials or products of any such industrial structure. This shall include but not be limited to industrial structures such as oil refineries, gas plants, equipment and associated facilities designed to use any, or a combination of, natural gas, propane gas and liquefied natural gas, which store on site a quantity to provide 7 days of continuous operation at a rate equivalent to the energy requirements of a 30 megawatt electric generating station and its associated facilities, plants for coal conversion and onshore and offshore loading and unloading facilities for energy sources. Energy facility shall also include energy transmission pipelines, storage tanks, or any other facility which the applicant or 2 or more petition categories as defined in RSA 162-H:2, XI request and the committee agrees, or which the committee determines requires a certificate, consistent with the findings and purposes set forth in RSA 162-H:1. ~~[Energy facility shall include electric generating station equipment and associated facilities only if they are designed for, or capable of, operation at a capacity of greater than 30 megawatts.]~~

2 New Paragraph; Water Companies, When Public Utilities. Amend RSA 362:4 by inserting after paragraph VI the following new paragraph:

VII. (a) A homeowners association, including but not limited to a condominium unit owners association, shall not be considered a public utility under this title by virtue of providing water service if:

(1) The service is furnished only to members of the association or the occupants of their residential units; and

(2) The association is organized on a not-for-profit basis and is democratically controlled by the owners of the residential units and not the developer or subdivider thereof.

(b) Such a homeowners association is one consumer for purposes of paragraph I, and its individual members or their lessees shall not be treated as individual consumers.

3 Penalty Against Agent. Amend RSA 365:41-42 to read as follows:

365:41 Penalty Against Utility. Any public utility which shall violate any provisions of this title, or fails, omits or neglects to obey, observe or comply with any order, direction or requirement of the commission, ~~[shall be guilty of a felony and]~~ shall be subject to a civil penalty, as determined by the commission, not to exceed \$25,000. No portion of any fine, nor any costs associated with an administrative or court proceeding which results in a fine pursuant to this section, shall be considered by the commission in fixing any temporary, permanent, or emergency rates or charges of such utility.

365:42 Penalty Against Agent. Every officer and agent of any such public utility who shall willfully violate, or who procures, aids, or abets any violation of this title, or who willfully fails to obey, observe, and comply with any order of the commission, or procures, aids or abets any

such public utility in its failure to obey, observe, and comply with any such order or provision, ~~[shall be guilty of a misdemeanor and]~~ shall be subject to a civil penalty, as determined by the commission, not to exceed \$10,000 for each violation, or for each day of a continuing violation.

4 Definitions. Amend RSA 374:48, IV-a to read as follows:

IV-a. "Operator" means any public utility as defined by RSA 362:2 or RSA 362:4 ~~[and]~~, any cable television system as defined by RSA 53-C:1, **and any liquefied petroleum gas company operating any jurisdictional facility or facilities as defined by the Natural Gas Pipeline Safety Act (49 U.S.C. chapter 601)** that owns or operates underground facilities.

5 New Paragraph; Definitions. Amend RSA 374:48 by inserting after paragraph VII the following new paragraph:

VIII. "Blasting" means excavation by means of explosives.

6 Rulemaking. Amend RSA 374:50, III to read as follows:

III. Emergency situations for which **prior** notice of excavation **pursuant to RSA 374:51, II** is not required.

7 Notification by Excavator. Amend RSA 374:51, I to read as follows:

I. No person shall perform an excavation within 100 feet of an underground facility, except in an emergency, without first giving notification as required by this section. **In an emergency, notification shall be given at the earliest practicable moment.**

8 New Paragraph; Notification by Excavator. Amend RSA 374:51 by inserting after paragraph VI the following new paragraph:

VII. If an excavator is aware that blasting will be required during an excavation, the excavator shall inform the damage prevention system when providing notice of the excavation. If an excavator determines during the effective term of the excavator's notification that blasting is required within the area premarked in accordance with paragraph IV, the excavator shall notify the damage prevention system of the need to blast. Notification shall be made at least 24 hours prior to any blasting, not including Saturdays, Sundays, and legal holidays. In the case of unanticipated obstructions that prevent further excavation without blasting, the excavator shall provide separate notice of such blasting not less than 4 contiguous hours in advance of such blasting, not including the hours of 4:00 p.m. to 6:00 a.m. weekdays, or all of Saturdays, Sundays, and legal holidays.

9 Energy Policy Act Standards. RSA 378:7-a is repealed and reenacted to read as follows:

378:7-a Energy Policy Act Standards. The commission may establish requirements for net metering, fuel diversity, fossil fuel generation efficiency, advanced metering, time-based rates, and interconnection with on-site generation facilities of customers in a manner not inconsistent with section 111 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 46) as amended by the Energy Policy Act of 2005.

10 New Section; Expense of Investigations. Notwithstanding any provision of law or rule or any order to the contrary:

I. As soon as practicable, the public utilities commission shall charge a special assessment against Verizon and FairPoint to support the work of the office of the consumer advocate in the FairPoint/Verizon acquisition docket at the commission. Funds from the special assessment shall be available to the office of the consumer advocate until June 30, 2008, or until such time as all final appeals in the case have been exhausted, whichever is later, at which time any remaining funds shall be credited back to the utilities. Specifically, the commission shall charge, in one or more assessments, an amount not to exceed \$150,000 to support the engagement of expert consultants by the office of the consumer advocate, with such engagement subject to approval by the governor and council. Such expert consultants shall assess, from the perspective of residential ratepayers, whether FairPoint has the financial, technical, managerial, and other capabilities to acquire Verizon's assets and franchises as proposed, in a manner that meets the public good requirement of RSA 374:30. To the extent practicable, the office of the consumer advocate shall cooperate with consumer and public advocates in Maine and Vermont in order to efficiently advance the common interests of residential consumers across the region.

II. Funds made available under paragraph I shall not be used to pay any part of the salaries, benefits, or other expenses related to the employees of the office of the consumer advocate or the commission.

11 Reference Deleted. Amend RSA 362:2, II to read as follows:

II. For the purposes of this title only, rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission pursuant to RSA 301:57 shall not be

considered public utilities; provided, however, that the provisions of RSA 362-A, 363-B, 371, 374:2-a, 374:26, ~~[374:26-a]~~ 374-A, 374-C, 374-F, and 378:37-39 shall, unless otherwise provided herein, be applicable to rural electric cooperatives, without regard to whether a certificate of regulation or deregulation is on file with the public utilities commission. The provisions of RSA 374-A and the provisions of RSA 374-F:3, V(b) and (f) and RSA 374-F:7 shall be applicable to rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission to the same extent as municipal utilities.

12 Repeal. The following are repealed:

I. RSA 374:26-a, relative to retail competition pilot program.

II. RSA 378:7-b, relative to optional time of use and time of day rates defined.

13 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

I. Makes certain technical changes and expands certain definitions in laws governing public utilities.

II. Requires the commission to charge an assessment against Verizon and FairPoint to fund the engagement of consultants to assess whether FairPoint has the capabilities to acquire Verizon's assets and franchises.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 427**, relative to construction and demolition debris. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Naida L. Kaen for Science, Technology and Energy: The bill as amended prohibits the designation of the wood component of construction and demolition debris (C&D) as a certified waste-derived product, thereby also prohibiting its combustion. The committee benefited from the input of two members of the Environment and Agriculture committee who attended all public hearings and work sessions. While serious concerns were raised by members during the deliberations about New Hampshire's limited landfill capacity and the need to find a secure and continuing solution for the disposition of New Hampshire's C&D, the Commissioner of the Department of Environmental Services, who supports this bill as amended, pledged to address this issue forthwith by applying the department's efforts toward developing a comprehensive program, including, but not limited to, on-site deconstruction, reduction, and reuse. Vote 14-0.

### Amendment (0253h)

Amend the title of the bill by replacing it with the following:

AN ACT defining construction and demolition debris and certified waste-derived product, and relative to the department of environmental services certifying waste-derived products of the wood component of construction and demolition debris.

Amend the bill by replacing all after the enacting clause with the following:

1 Construction and Demolition Debris; Definition of Refuse. Amend RSA 149-M:4, XXI to read as follows:

XXI. "Refuse" means and includes any waste product, solid or having the character of a solid rather than a liquid in that it will not flow readily without additional liquid, and which is composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial or domestic solid wastes; organic wastes or residue of animals sold as meat; fruit, vegetable or animal matter from kitchens, dining rooms, markets, food establishments or any places dealing in or handling meat, fowl, fruits, grain or vegetables; offal, animal excreta, or the carcasses of animals; ~~[brick, plaster or other waste matter resulting from the demolition, alteration, or construction of buildings or structures]~~ **construction and demolition debris**; or accumulated waste material, cans, containers, tires, junk, or other such substances which may become a nuisance.

2 New Paragraph; Construction and Demolition Debris; Definition. Amend RSA 149-M:4 by inserting after paragraph IV the following new paragraph:

IV-a. "Construction and demolition debris" means non-putrescible waste building materials and rubble which is solid waste resulting from the construction, remodeling, repair or demolition of structures or roads. The term includes bricks, concrete and other masonry materials, wood, wall

coverings, plaster, dry wall, plumbing, fixtures, non-asbestos insulation or roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes and electrical wiring and components, incidental to any of the above and containing no hazardous liquid or metals. The term does not include asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, furniture, appliances, tires, drums and containers, and fuel tanks.

3 New Paragraph; Certified Waste Derived Product; Definition. Amend RSA 149-M:4 by inserting after paragraph II the following new paragraph:

II-a "Certified waste-derived product" means a constituent of solid waste which is no longer regulated as a solid waste when certified by the department to be recyclable for its original use or alternate uses and which poses no greater risk to the environment, public health and safety than exists by producing, distributing, using, or disposing comparable products which are not waste-derived.

4 New Paragraph; Construction and Demolition Debris; Waste Derived Product; Prohibition. Amend RSA 149-M:9 by inserting after paragraph XIII the following new paragraph:

XIV. Notwithstanding any provision of law or rule to the contrary, the department shall not certify as a waste-derived product the wood component of construction and demolition debris, or any mixture of or derivation therefrom, to be combusted in any manner, except that methane gas collected from the decomposition of waste at a facility authorized pursuant to this chapter as a landfill for the disposal of solid waste may be certified as a waste-derived product for distribution and use as a fuel, provided that it meets market fuel standards.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

I. Defines construction and demolition debris.

II. Defines certified waste-derived product.

III. Prohibits the department of environmental services from issuing a certification as a waste-derived product for the wood component of construction and demolition debris.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Kaen spoke in favor and yielded to questions.

Committee report adopted and ordered to third reading.

#### **HB 428, relative to prohibiting the combustion of construction and demolition waste. OUGHT TO PASS WITH AMENDMENT.**

Rep. Naida L. Kaen for Science, Technology and Energy: A moratorium on the burning of construction and demolition waste (C&D) in the state went into effect in 2006; it is due to expire on December 31, 2007. HB 428, as amended, bans the incineration of C&D waste in this state without a sunset provision. The committee received oral testimony from more than twenty individuals, a petition with nineteen signatures, and additional written testimony, all in favor of extending the moratorium indefinitely. The primary concern of the committee, as well as those supporting the bill, is the release of air toxins if the burning of C&D waste were to be allowed. In 2005 New Hampshire managed approximately 600,000 tons of C&D. Approximately one-third of this came from out of state. Burnable wood makes up 40% of the C&D debris. In 2005 approximately 60% of the C&D debris was processed to recover 105,000 tons of wood chip fuel which was sent out of state. The committee felt that extending the C&D combustion ban would not negatively affect waste processing or biofuel businesses in New Hampshire. Allowing the existing prohibition to expire would alter the current C&D debris management structure, which would hurt the state's developing virgin timber fuel sector and would likely result in a dramatic rise in the amount of unprocessed C&D debris entering the state. Since most of this material is not reusable wood, the bulk of this influx would be directed to landfills, competing for NH's diminishing capacity. The committee felt that burning the wood component of C&D debris to generate electricity poses unacceptable risks for exposure to pollutants, through both air emission and the disposal of ash residues. Vote 13-1.

#### **Amendment (0254h)**

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting the combustion of the wood component of construction and demolition debris and defining construction and demolition debris.



Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Combustion Ban. Amend RSA 125-C:10 by inserting after section 10-b the following new section:

125-C:10-c Combustion Ban. Notwithstanding any provision of law to the contrary, no person shall combust the wood component of construction and demolition debris, as defined in RSA 149-M:4, IV-a, or any mixture or derivation from said component. This section shall not apply to the incidental combustion of such materials by any municipal waste combustor, as defined in RSA 125-M:2, XI, which was subject to regulation by this chapter or RSA 149-M and which was in operation on January 1, 2006, or by any municipal incinerator that is permitted by the department and was in operation on January 1, 2006.

2 New Paragraph; Construction and Demolition Debris; Definition. Amend RSA 149-M:4 by inserting after paragraph IV the following new paragraph:

IV-a. "Construction and demolition debris" means non-putrescible waste building materials and rubble which is solid waste resulting from the construction, remodeling, repair or demolition of structures or roads. The term includes, but is not limited to, bricks, concrete and other masonry materials, wood, wall coverings, plaster, dry wall, plumbing, fixtures, non-asbestos insulation or roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes and electrical wiring and components, incidental to any of the above and containing no hazardous liquid or metals. The term does not include asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, furniture, appliances, tires, drums and containers, and fuel tanks.

3 Effective Date. This act shall take effect January 1, 2008.

#### AMENDED ANALYSIS

This bill prohibits the combustion of the wood component of construction and demolition debris.

This bill also defines construction and demolition debris.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HCR 5, endorsing the National Health Insurance Act. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Raymond G. Gagnon for the Majority of State-Federal Relations and Veterans Affairs: Due to the growing crisis in health care manifested in rising health care costs, increased premiums, out of pocket spending and decreased international business competitiveness, this House Concurrent Resolution endorses the National Health Insurance Act presently before the United States Congress. Whether we want to admit it or not we have universal health care. Currently any uninsured person can receive health care service free of cost at any hospital emergency room. The cost of treatment will eventually be paid for by public taxes and or by increased private premiums. The National Health Insurance Act's goal is to admit that the present manner of health care delivery is not inefficient but unnecessarily expensive. Vote 9-6.

Rep. Alfred P. Baldasaro for the Minority of State-Federal Relations and Veterans Affairs: This is a concurrent resolution that says the New Hampshire General Court wants Congress to pass the National Health Insurance Act. This act would insure people in this country, but that would be necessary since it's going to force so many insurance companies to close their doors and insure all the laid off employees it will create. This act may likely further hurt businesses by its proposed implementation of a 3.3% payroll tax on all employers nation-wide. This act would socialize health insurance in this country, breaking up our free-market system, upon which our nation was founded. No co-pays, sounds great; but this plan would even provide for chiropractic and other forms of care that may be perceived by some to be above and beyond the necessary care to maintain good health. Where would this end? The minority of the committee believes that the NHIA is not a program that will promote the democratic principles our country stands for and as such recommends that HCR 5 be found inexpedient to legislate.

Rep. Renzullo requested a roll call; sufficiently seconded.

**YEAS 201 NAYS 129**

**YEAS 201  
BELKNAP**



**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Robertson, Timothy

Butynski, William  
Espiefs, Peter  
Plifka, Stanley Jr  
Sad, Tara

**COOS**

Hatch, William  
Thomas, Yvonne

Mears, Edgar

Merrick, Evalyn

Theberge, Robert

**GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Andersen, Gene  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon

Benn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

**HILLSBOROUGH**

Baroody, Benjamin  
Chase, Claudia  
Edwards, Andrew  
Foster, Linda  
Gorman, Mary  
Harvey, Suzanne  
Kaelin, Michael  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
Movsesian, Lori  
Reuschel, Michael  
Shaw, Barbara  
Spratt, Stephen

Beck, Catriona  
Clemons, Jane  
Essex, David  
Garrity, Patrick  
Hackel, Paul  
Hebert, Roger  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
O'Brien, Michael Sr  
Rochette, Eric  
Simon, Anthony  
Sullivan, Daniel

Brunelle, Michael  
Cote, David  
Farley, Michael  
Ginsburg, Ruth  
Haley, Robert  
Irwin, Anne-Marie  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Neil, James  
Schulze, Joan  
Smith, David  
Sysyn, Mary

Campbell, David  
Daler, Jennifer  
Fontas, Jeffrey  
Goley, Jeffrey  
Hammond, Jill  
Jean, Claudette  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily  
Pilotte, Maurice  
Shattuck, Gilman  
Smith, Sandra  
Velez, Hector

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
Ehlers, Eileen  
Greco, Vincent  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Blanchard, Elizabeth  
Davis, Frank  
Foose, Robert  
Hamm, Christine  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Bouchard, Candace  
DeJoie, John  
French, Barbara  
Kelly, Sally  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Brown, Carole  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Casey, Kimberley  
Flockhart, Eileen  
Howard, Doreen  
McCarthy, Linda  
Moore, Bennett  
Russell, Trink

Borden, David  
Day, Judith  
Gleason, John  
Johnson, Robert  
McEachern, Paul  
Nord, Susi  
Snow, Richard

Buxton, Donald  
Devine, James  
Grote, Otto  
Kennedy, James  
McKenna, Daniel  
Pantelakos, Laura  
Splaine, James

Cali-Pitts, Jacqueline  
DiFruscia, Anthony  
Henson, John  
Kepner, Susan  
Moody, Marcia  
Robertson, Carl

**STRAFFORD**

Berube, Roger  
Burke, Rachel

Billian, Deborah  
Cyr, James

Brown, Larry  
DeChane, Marlene

Browne, Brendon  
Domingo, Baldwin

Fargo, Thomas  
Hutz, Sarah  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Hilliard, Dana  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie

Hofemann, Roland  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith

Hubbard, Pamela  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

### NAYS 129

### BELKNAP

Allen, Janet  
Millham, Alida  
Tilton, Franklin

Boyce, Laurie  
Nedeau, Stephen  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Flanders, Donald  
Thomas, John  
Whalley, Michael

### CARROLL

Brown, Carolyn  
Merrow, Harry

Denley, William  
Patten, Betsey

Knox, J. David  
Stevens, Stanley

Martin, James

### CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

### COOS

Remick, William

Tholl, John Jr

### GRAFTON

Bulis, Lyle  
Sorg, Gregory

Dingman, Vernon III  
Williams, Burton

Eaton, Stephanie

Gionet, Edmond

### HILLSBOROUGH

Barry, Richard  
Christiansen, Lars  
Daniels, Gary  
Emerton, Larry  
Haefner, Robert  
Holden, Randolph  
Kurk, Neal  
Manney, Pamela  
Ober, Lynne  
Reeves, Sandra  
Soucy, Connie  
Vaillancourt, Steve

Batula, Peter  
Clark, Mark  
Day, Russell  
Fletcher, Richard  
Hawkins, Ken  
Hunter, Bruce  
L'Heureux, Robert  
McRae, Karen  
Ober, Russell III  
Renzullo, Andrew  
Spaulding, Jayne  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Coughlin, Pamela  
Drisko, Richard  
Gargasz, Carolyn  
Hinkle, Peyton  
Infantine, William  
Lawrence, James  
Messier, Irene  
Peterson, Andy  
Rowe, Robert  
Stepanek, Stephen  
Winters, Joel

Christensen, Chris  
Crane, Elenore Casey  
Elliott, Nancy  
Graham, John  
Hogan, Edith  
Jasper, Shawn  
Lessard, Rudy  
Mooney, Maureen  
Price, Pamela  
Shaw, Kimberly  
Ulery, Jordan

### MERRIMACK

Anderson, Eric  
MacKay, James

Humphries, Charlie

Kidder, David

Lockwood, Priscilla

### ROCKINGHAM

Allen, Mary  
Camm, Kevin  
Dalrymple, David  
Flanders, John Sr  
Griffin, Mary  
Ingram, Russell  
Katsakiores, Phyllis  
Packard, Sherman

Baldasaro, Alfred  
Carson, Sharon  
Dumaine, Dudley  
Garcia, Marilinda  
Guthrie, Joseph  
Itse, Daniel  
Lund, Howie  
Pearson, Mark

Bedrick, Jason  
Case, Frank  
Emiro, Frank  
Garrity, James  
Headd, James  
Kappler, Lawrence  
Major, Norman  
Priestley, Anne

Bettencourt, David  
Charron, Gene  
Fesh, Bob  
Gould, Kenneth  
Hopfgarten, Paul  
Katsakiores, George  
McMahon, Charles  
Quandt, Marshall

Quandt, Matthew  
Stiles, Nancy  
Weyler, Kenneth

Rausch, James  
Waterhouse, Kevin  
Wickson, Rick

Reagan, John  
Weare, Everett  
Winchell, George

Sanders, Elisabeth  
Welch, David

### STRAFFORD

Brown, Julie

Watson, Robert

### SULLIVAN

Rodeschin, Beverly  
and the majority committee report was adopted.  
Ordered to third reading.

**HC 6**, urging Congress to prevent the implementation of the North American FreeTrade Agreement superhighway system. **OUGHT TO PASS.**

Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: This concurrent resolution is about the safety of New Hampshire's highways, which is the prime responsibility of the New Hampshire General Court and that duty should not and cannot be delegated to any other entity. This goes right to the heart of our state's sovereignty. This proposed highway as planned would go from southern Mexico, through the US, finish up in Canada. This would be detrimental to Homeland Security. The most important factor that is often lost in the discussion is the threat to the economic security of the United States. Such a highway or train system could not be made economically feasible unless it has exits necessary to off load products and goods manufactured in Mexico at reduced labor costs. This would also allow countries such as China to offload goods in a free trade zone and bypass American ports and their high paying jobs. Vote 11-2. Committee report adopted and ordered to third reading.

### SPECIAL ORDER

**HB 449-FN**, relative to motor vehicle inspections. **INEXPEDIENT TO LEGISLATE.**

Rep. Jim Ryan for Transportation: The bill seeks to alter the current requirement of annual inspections of motor vehicles to a biennial requirement. The annual requirement is rooted in the state's interest in safety and to assure that at least once a year as part of the registration process that a qualified and competent person examines the motor vehicle to assure compliance with our motor vehicle laws and to assure that fundamental systems such as brakes, tires and the like are examined to assure that the public safety on our highways is valued. The bill was opposed by the Department of Environmental Services as inconsistent with current emission control laws that require an annual inspection. The bill was opposed by the division of motor vehicles which flatly noted the change would harm safety. The bill was opposed by NH Automobile Association that referred the committee to findings by the National Highway Traffic Safety Administration (NHTSA) in a recent report that found that states with annual inspection requirements had accident rates that were 20% lower than in states that did not. The clear and convincing message from the testimony was to retain the annual inspection requirement. Vote 12-0.

Rep. Ryan moved Recommit.

Motion adopted.

Recommitted to the Committee on Transportation.

### BILLS REMOVED FROM CONSENT CALENDAR

**HB 62**, relative to limiting the number of balloons released into the atmosphere. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James F. Powers for Environment and Agriculture: This bill adds a category of litter to existing litter law. Evidence presented to the committee led us to understand that purposeful release of lighter than air balloons, as has been done in various celebratory occasions, results in significant dangers to marine wildlife, including endangered and threatened species. Beach clean-up projects have found thousand of deflated balloons on beaches. Photographs were presented of sea birds, sea turtles (which summer off the shores of New Hampshire) and a whale which had died as the result of ingesting deflated balloons, which look like their usual food. The bill does not apply to accidental release of balloons, nor to passenger carrying balloons, or meteorological balloons released by any governmental agency. Vote 17-2.

**Amendment (0403h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to balloons being released into the air.

Amend the bill by replacing all after the enacting clause with the following:

1 Declaration of Intent. Amend RSA 163-B:1 to read as follows:

163-B:1 Declaration of Intent.

*I. It is the intention of the legislature by this chapter to provide for uniform prohibition throughout the state of any and all littering on public or private property and to curb thereby the desecration of the beauty of the state and harm to the health, welfare and safety of its citizens caused by individuals who litter.*

*II. The general court declares that the release into the atmosphere of balloons inflated with lighter-than-air gases constitutes littering, because the balloons eventually return to the earth's surface. Deflated balloons pose a serious threat to the life and well-being of wildlife and marine animals via ingestion or entanglement with attached ribbons.*

2 Unlawful Activities. Amend RSA 163-B:3 to read as follows:

163-B:3 Unlawful Activities.

*I. It shall be unlawful for any person or persons to dump, deposit, throw or leave, or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in this state, or in or on ice or in any waters in this state, unless:*

~~[E]~~ *(a) Such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;*

~~[H-]~~ *(b) Such litter is placed into a litter receptacle or container installed on such property;*

~~[HH-]~~ *(c) Such person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of said owner or tenant, all in a manner consistent with the public welfare.*

*II. It shall be unlawful for any person to intentionally release or intentionally cause to be released into the atmosphere one or more balloons inflated with lighter-than-air gases, except for:*

*(a) Balloons released by or on behalf of any agency of the United States, the state of New Hampshire, or any other state, territory, or government for scientific or meteorological purposes; or*

*(b) Hot air balloons recovered after launch.*

3 Penalties. Amend RSA 163-B:4 to read as follows:

163-B:4 Penalties.

*I. Except as provided in paragraph III, any person violating the provisions of RSA 163-B:3, shall be guilty of a misdemeanor, or, in lieu thereof, in the sound discretion of any court in which conviction is obtained, any such person may be directed by the judge of such court to pick up and remove from any public street or highway or public or private right-of-way, or public beach or public park, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it has been established by competent evidence that he has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.*

*II. The court is hereby directed to publish the names of persons convicted of violating the provisions of RSA 163-B:3.*

*III. Any person who violates the provisions of RSA 163-B:3, II, relative to balloon release, shall be guilty of a violation and fined \$250 for the first offense and \$500 for each subsequent offense.*

4 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill prohibits the release of lighter-than-air balloons into the air and establishes penalties for violations of this prohibition.

On a division vote, 201 members having voted in the affirmative and 105 in the negative, the committee amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Reps. Patten and Kurk spoke against.

Reps. Waterhouse, Phinizz and Skinder spoke in favor and yielded to questions.

Rep. Vaillancourt spoke in favor.

Rep. Renzullo requested a roll call; sufficiently seconded.

## YEAS 215 NAYS 111

### YEAS 215

#### BELKNAP

Arsenault, Beth	Morrison, Gail	Reever, Judith	Tilton, Franklin
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#### CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia	Knox, J. David	Martin, James	

#### CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Chase, William	Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter
Johnson, Jane	Lerandeau, Alfred	Mitchell, Bonnie	Parkhurst, Henry
Piifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

#### COOS

Hatch, William	Mears, Edgar	Merrick, Evalyn	Remick, William
Theberge, Robert	Thomas, Yvonne		

#### GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Bulis, Lyle	Cooney, Mary	Dingman, Vernon III	Estes, Carole
Friedrich, Carol	Hammond, Lee	Harding, A Laurie	Lovett, Sid
Matheson, Robert	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Pierce, David	Preston, Philip	Solomon, Peter	Williams, Burton

#### HILLSBOROUGH

Baroody, Benjamin	Beck, Catriona	Brunelle, Michael	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Daler, Jennifer
Drisko, Richard	Edwards, Andrew	Essex, David	Fontas, Jeffrey
Foster, Linda	Garrity, Patrick	Ginsburg, Ruth	Gorman, Mary
Hackel, Paul	Haefner, Robert	Haley, Robert	Hammond, Jill
Harvey, Suzanne	Hebert, Roger	Irwin, Anne-Marie	Jean, Claudette
Kaelin, Michael	Knowles, John	Knowles, Mary Ann	Kopka, Angeline
Lasky, Bette	Lessard, Rudy	Levasseur, Nickolas	Levesque, Melanie
Lisle, Carolyn	Long, Patrick	Mack, Ron	Marshall, Seth
Martineau, Jesse	Matarazzo, Anthony Sr	Mesa, Lily	Messier, Irene
Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James	Ober, Lynne
Ober, Russell III	Pilotte, Maurice	Reuschel, Michael	Rochette, Eric
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Simon, Anthony
Smith, David	Spaulding, Jayne	Spratt, Stephen	Sullivan, Daniel
Sysyn, Mary	Vaillancourt, Steve	Velez, Hector	

#### MERRIMACK

Baxley, Maureen	Blanchard, Elizabeth	Bouchard, Candace	Brown, Carole
Brueggemann, Donald	Clarke, Claire	Davis, Frank	DeJoie, John
Ehlers, Eileen	Foose, Robert	French, Barbara	Greco, Vincent
Hamm, Christine	Kelly, Sally	Kidder, David	Kjellman, Eleanor Glynn
Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie	Porter, Margaret
Potter, Frances	Richardson, Gary	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary	Walz, Mary
Webb, Leigh	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Buxton, Donald  
Charron, Gene  
Flockhart, Eileen  
Griffin, Mary  
Ingram, Russell  
McEachern, Paul  
Nord, Susi  
Russell, Trinka  
Winchell, George

Bedrick, Jason  
Cali-Pitts, Jacqueline  
Day, Judith  
Garcia, Marilinda  
Grote, Otto  
Kennedy, James  
McKenna, Daniel  
Pantelakos, Laura  
Snow, Richard

Bettencourt, David  
Case, Frank  
Devine, James  
Gleason, John  
Henson, John  
Kepner, Susan  
Moody, Marcia  
Reagan, John  
Splaine, James

Borden, David  
Casey, Kimberley  
Flanders, John Sr  
Gould, Kenneth  
Howard, Doreen  
McCarthy, Linda  
Moore, Bennett  
Robertson, Carl  
Waterhouse, Kevin

**STRAFFORD**

Billian, Deborah  
Cyr, James  
Hofemann, Roland  
Miller, Joseph  
Schmidt, Peter

Brown, Larry  
Domingo, Baldwin  
Hubbard, Pamela  
Perry, Robert  
Smith, Marjorie

Browne, Brendon  
Fargo, Thomas  
Hutz, Sarah  
Rollo, Deanna  
Spang, Judith

Burke, Rachel  
Hilliard, Dana  
Kaen, Naida  
Rous, Emma  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

**NAYS 111****BELKNAP**

Allen, Janet  
Millham, Alida  
Wendelboe, Fran

Boyce, Laurie  
Nedea, Stephen  
Whalley, Michael

Clark, Charles  
Russell, David

Flanders, Donald  
Tobin, William

**CARROLL**

Brown, Carolyn  
Patten, Betsey

Chandler, Gene  
Stevens, Stanley

Denley, William

Morrow, Harry

**CHESHIRE**

Emerson, Susan

Hunt, John

Pelkey, Stephen

**COOS**

King, Frederick

Tholl, John Jr

**GRAFTON**

Aguiar, James  
Sorg, Gregory

Eaton, Stephanie

Gionet, Edmond

Ingbretson, Paul

**HILLSBOROUGH**

Barry, Richard  
Christiansen, Lars  
Daniels, Gary  
Farley, Michael  
Graham, John  
Holden, Randolph  
Kelley, John  
Leishman, Peter  
Peterson, Andy  
Rowe, Robert  
Villeneuve, Maurice

Batula, Peter  
Clark, Mark  
Day, Russell  
Fletcher, Richard  
Hawkins, Ken  
Hunter, Bruce  
Kurk, Neal  
Manney, Pamela  
Price, Pamela  
Soucy, Connie  
Winters, Joel

Bergeron, Jean-Guy  
Coughlin, Pamela  
Elliott, Nancy  
Gargas, Carolyn  
Hinkle, Peyton  
Infantine, William  
L'Heureux, Robert  
McRae, Karen  
Reeves, Sandra  
Stepanek, Stephen

Christensen, Chris  
Crane, Elenore Casey  
Emerton, Larry  
Goley, Jeffrey  
Hogan, Edith  
Jasper, Shawn  
Lawrence, James  
Mooney, Maureen  
Renzullo, Andrew  
Ulery, Jordan

**MERRIMACK**

Anderson, Eric  
Reardon, Tara

DeStefano, Stephen

Humphries, Charlie

MacKay, James

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Camm, Kevin	Carson, Sharon
Dalrymple, David	DiFruscia, Anthony	Dumaine, Dudley	Emiro, Frank
Fesh, Bob	Garrity, James	Guthrie, Joseph	Headd, James
Hopfgarten, Paul	Itse, Daniel	Johnson, Robert	Kappler, Lawrence
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
McMahon, Charles	Packard, Sherman	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Sanders, Elisabeth	Weare, Everett
Welch, David	Weyler, Kenneth	Wickson, Rick	

**STRAFFORD**

Berube, Roger	Brown, Julie	Rollo, Michael	Sprague, Dale
Watson, Robert			

**SULLIVAN**

Donovan, Thomas Rodeschin, Beverly  
and the committee report was adopted.  
Ordered to third reading.

**HB 74-FN-A-L**, relative to matching funds for federal disaster assistance for the October 2005 floods and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. David L. Smith for Finance: This legislation was to provide additional funds for repair projects resulting from October 2005 flood damage. The funds would enable disaster assistance from the United States Department of Agriculture, National Resource Conservation Service. This is the first time the state had received funds from this source. The original bill addressing this issue was to meet the needs of an emergency situation, and special low-cost conditions, to the towns, were enacted to help the communities meet that need. This bill expands the scope of the first bill to now address non-emergency repairs. Enough time has passed to make it hard to declare these new projects as being emergency. The newly added projects should have been identified earlier if they were emergency in nature. The delayed funding, combined with the special town match, sets a bad precedent for other communities that may sustain damage in the future. This request called for state funds to be provided before the towns have provided their financial commitment. Vote 23-0.

Rep. Ferland spoke against.

Rep. David Smith spoke in favor and yielded to questions.

Committee report adopted.

**HB 435-FN-A**, making an appropriation to provide a death benefit for the family of a seasonal department of transportation employee. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert A. Foose for Finance: The committee unanimously recognized the tragic loss of Brent Jackson, Jr., a full-time seasonal employee of the Department of Transportation. Mr. Jackson was a young man who had joined the department to earn funds to further his college education. In discussion the committee concluded that the payment of a death benefit would establish a precedent, the scope of which could not be ascertained. The committee also believed that the decision to provide a death benefit is more appropriate to a contract negotiation. Vote 20-0.

Rep. Hawkins spoke against.

Rep. Foose spoke in favor.

Committee report adopted.

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Winters moved that the House reconsider its action whereby it found **HB 74-FN-A-L**, relative to matching funds for federal disaster assistance for the October 2005 floods and making an appropriation therefor, Inexpedient to Legislate.

Rep. Winters spoke in favor.

On a division vote, 189 members having voted in the affirmative and 113 in the negative, the motion was adopted.

The question now being adoption of the committee report of Inexpedient to Legislate.

Rep. Ferland spoke against.

Rep. David Smith spoke in favor.

On a division vote, 252 members having voted in the affirmative and 55 in the negative, the committee report was adopted.

**BILLS REMOVED FROM CONSENT CALENDAR (CONT'D)**

**HB 506**, relative to references to "United States citizen" in the New Hampshire statutes. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: This bill would change the references to "United States Citizen" in several statutes to "American citizen of the United States." The proponent of the change argues this change is necessary because he believes "United States" refers only to a bankrupt municipal corporation whose holdings include only the District of Columbia, Puerto Rico, and the various U.S. possessions. The change was offered as a "housekeeping measure" needed to regularize the citizenship of those of us born in the fifty states, and to protect us from inadvertent perjury on our passport applications. The committee was unable to reconcile the testimony given about the desired effect of the bill with the actual language of the bill itself. The committee was unpersuaded that a problem exists that would be addressed by this bill. Vote 13-0.

Rep. Lars Christiansen spoke against.

Rep. Weber spoke in favor.

Committee report adopted.

**HB 507**, relative to the rights of citizens. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: This bill is a follow on from HB 506, and grows out of the sponsor's expressed notion of the United States as a bankrupt municipal corporation. The bill speaks to the freedom of persons to confirm their political status pursuant to certain portions of the U.S. Code. The committee was unable to reconcile the testimony given about the desired effect of the bill with the actual language of the bill. Moreover, the committee was unpersuaded that a problem exists that would be addressed by this bill. Vote 13-0.

Rep. Lars Christiansen spoke against.

The Speaker ruled that reading of the entire committee report by Rep. Lars Christiansen was out of order.

**APPEAL OF THE RULING OF THE CHAIR**

Rep. Vaillancourt appealed the ruling of the chair.

The question now being should the ruling of the Chair be upheld?

Rep. Vaillancourt spoke against.

Rep. Daniel Eaton spoke in favor.

Rep. Campbell requested a roll call; sufficiently seconded.

**YEAS 240 NAYS 76****YEAS 240****BELKNAP**

Arsenault, Beth  
Reever, Judith

Flanders, Donald  
Russell, David

Millham, Alida  
Tilton, Franklin

Morrison, Gail

**CARROLL**

Bridgham, Robert  
Cunningham, Howard  
Stevens, Stanley

Brown, Carolyn  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward  
Patten, Betsey

**CHESHIRE**

Burridge, Delmar  
Chase, William  
Johnson, Jane  
Pelkey, Stephen  
Robertson, Timothy

Butcher, Suzanne  
Dunn, J. Timothy  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Sad, Tara

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Richardson, Barbara  
Weber, Lucy

Butynski, William  
Espiefs, Peter  
Parkhurst, Henry  
Roberts, Kris  
Weed, Charles

**COOS**

Hatch, William  
Remick, William

King, Frederick  
Theberge, Robert

Mears, Edgar  
Tholl, John Jr

Merrick, Evalyn  
Thomas, Yvonne

**GRAFTON**

Aguiar, James  
Bulis, Lyle

Almy, Susan  
Cooney, Mary

Benn, Bernard  
Eaton, Stephanie

Bleyler, Ruth  
Estes, Carole



Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon  
Sorg, Gregory

Gionet, Edmond  
Matheson, Robert  
Pierce, David

Hammond, Lee  
McLeod, Martha  
Preston, Philip

Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

### HILLSBOROUGH

Baroody, Benjamin  
Campbell, David  
Daler, Jennifer  
Essex, David  
Foster, Linda  
Goley, Jeffrey  
Haley, Robert  
Hebert, Roger  
Kelley, John  
Leishman, Peter  
Lisle, Carolyn  
Martineau, Jesse  
O'Brien, Michael Sr  
Reuschel, Michael  
Shaw, Barbara  
Spratt, Stephen  
Winters, Joel

Barry, Richard  
Chase, Claudia  
Day, Russell  
Farley, Michael  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Holden, Randolph  
Knowles, Mary Ann  
Lessard, Rudy  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Neil, James  
Rochette, Eric  
Shaw, Kimberly  
Sullivan, Daniel

Beck, Catriona  
Clemons, Jane  
Drisko, Richard  
Fletcher, Richard  
Garrity, Patrick  
Graham, John  
Harvey, Suzanne  
Irwin, Anne-Marie  
Kopka, Angeline  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily  
Peterson, Andy  
Schulze, Joan  
Simon, Anthony  
Sysyn, Mary

Brunelle, Michael  
Cote, David  
Edwards, Andrew  
Fontas, Jeffrey  
Ginsburg, Ruth  
Hackel, Paul  
Hawkins, Ken  
Kaelin, Michael  
Lasky, Bette  
Levesque, Melanie  
Marshall, Seth  
Movsesian, Lori  
Pilotte, Maurice  
Shattuck, Gilman  
Smith, David  
Velez, Hector

### MERRIMACK

Baxley, Maureen  
Clarke, Claire  
Ehlers, Eileen  
Hamm, Christine  
Lockwood, Priscilla  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Kelly, Sally  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Brown, Carole  
DeJoie, John  
French, Barbara  
Kidder, David  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Brueggemann, Donald  
DeStefano, Stephen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Cali-Pitts, Jacqueline  
Day, Judith  
Gleason, John  
Henson, John  
Johnson, Robert  
Kepner, Susan  
Moody, Marcia  
Pantelakos, Laura  
Snow, Richard  
Welch, David

Bedrick, Jason  
Case, Frank  
DiFruscia, Anthony  
Gould, Kenneth  
Hopfgarten, Paul  
Katsakiores, George  
McCarthy, Linda  
Moore, Bennett  
Rausch, James  
Splaine, James  
Winchell, George

Borden, David  
Casey, Kimberley  
Flockhart, Eileen  
Griffin, Mary  
Howard, Doreen  
Katsakiores, Phyllis  
McEachern, Paul  
Nord, Susi  
Robertson, Carl  
Stiles, Nancy

Buxton, Donald  
Charron, Gene  
Garcia, Marilinda  
Guthrie, Joseph  
Ingram, Russell  
Kennedy, James  
McKenna, Daniel  
Packard, Sherman  
Russell, Trinka  
Waterhouse, Kevin

### STRAFFORD

Berube, Roger  
Browne, Brendon  
Fargo, Thomas  
Kaen, Naida  
Rollo, Michael  
Spang, Judith

Billian, Deborah  
Burke, Rachel  
Hilliard, Dana  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Brown, Julie  
Cyr, James  
Hofemann, Roland  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Brown, Larry  
Domingo, Baldwin  
Hubbard, Pamela  
Rollo, Deanna  
Smith, Marjorie

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

### NAYS 76 BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Neddeau, Stephen
Tobin, William	Wendelboe, Fran	Whalley, Michael	

### CARROLL

Chandler, Gene	Denley, William	Martin, James	Morrow, Harry
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### CHESHIRE

Emerson, Susan	Hunt, John
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### COOS

None

### GRAFTON

Andersen, Gene	Ingbretson, Paul
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### HILLSBOROUGH

Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris	Christiansen, Lars
Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary	Elliott, Nancy
Emerton, Larry	Haefner, Robert	Hinkle, Peyton	Hogan, Edith
Hunter, Bruce	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Lawrence, James	McRae, Karen	Messier, Irene
Mooney, Maureen	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Soucy, Connie	Spaulding, Jayne	Stepanek, Stephen	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice		

### MERRIMACK

Anderson, Eric	Humphries, Charlie	MacKay, James
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### ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bettencourt, David	Camm, Kevin
Carson, Sharon	Dalrymple, David	Devine, James	Dumaine, Dudley
Emiro, Frank	Fesh, Bob	Flanders, John Sr	Garrity, James
Headd, James	Itse, Daniel	Kappler, Lawrence	Lund, Howie
Major, Norman	McMahon, Charles	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Reagan, John	Sanders, Elisabeth	Weare, Everett
Weyler, Kenneth	Wickson, Rick		

### STRAFFORD

Watson, Robert

### SULLIVAN

Rodeschin, Beverly  
and the ruling of the Chair was upheld.  
Rep. Priestly voted Nay and intended to vote Yea.

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, the following protest was entered in the Permanent Journal.  
The New Hampshire tradition of free speech and open debate having been abrogated in the Chair's decision to prevent a member from reading from a blurb, I enter my protest under Part 2, Article 24 of the Constitution.

Rep. Steve Vaillancourt

Rep. Rollo moved the previous question.

Adopted.

The question now being adoption of the committee report of Inexpedient to Legislate on **HB 507**, relative to the rights of citizens.

Committee report adopted.

**BILLS REMOVED FROM CONSENT CALENDAR (CONT'D)**

**HB 557-L**, relative to free parking in designated handicapped zones. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for Municipal and County Government: The bill seeks to provide free handicapped parking only in parking areas designated as handicapped zones. The committee heard testimony indicating the many difficulties that some of our citizens, as well as visitors to our state, encounter in their daily lives. In addition to having a walking disability, many have other challenges including but not limited to wheelchair bound and dexterity issues in the upper extremities. With the additional hardships that New Hampshire winters can add to the issue, the committee unanimously feels that restricting parking privileges for persons with walking disabilities to only designated zones would be an undue hardship placed upon individuals that already have enough daily issues to contend with. Vote 14-0.

Rep. Theberge spoke in favor.

Committee report adopted.

**HB 684**, establishing a rest area and state liquor store retail opportunities commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin K. Waterhouse for Public Works and Highways: The committee unanimously agreed that a new commission is not needed to start a process that is already ongoing. The Department of Transportation is in discussion with both the Liquor Commission and Made in New Hampshire, New Hampshire Stories regarding rest areas. The committee was concerned that expanding the parties of a commission to include commercial retail and restaurants would put the state in competition with local small businesses. The committee recognizes that the many exits on our state highways offer the motoring public ample opportunities to find locally owned travelers services. We also needed to consider the federal regulations regarding the vending machines operated by the sight impaired. Vote 14-0.

Rep. Crane spoke against and yielded to questions.

Rep. David Smith spoke against.

Rep. Bouchard spoke in favor.

Rep. Crane requested a roll call; sufficiently seconded.

**YEAS 244 NAYS 69****YEAS 244****BELKNAP**

Allen, Janet	Arsenault, Beth	Boyce, Laurie	Flanders, Donald
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Reever, Judith
Russell, David	Tilton, Franklin	Tobin, William	Whalley, Michael

**CARROLL**

Bridgham, Robert	Brown, Carolyn	Butler, Edward	Chandler, Gene
Cunningham, Howard	Heard, Virginia	Martin, James	Morrow, Harry
Patten, Betsey	Stevens, Stanley		

**CHESHIRE**

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Chase, William	Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter
Lerandeau, Alfred	Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

**COOS**

Hatch, William	King, Frederick	Mears, Edgar	Merrick, Evalyn
Theberge, Robert	Tholl, John Jr	Thomas, Yvonne	

**GRAFTON**

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Bulis, Lyle	Cooney, Mary	Eaton, Stephanie	Estes, Carole
Friedrich, Carol	Gionet, Edmond	Hammond, Lee	Harding, A Laurie

Ingbretson, Paul  
Nordgren, Sharon  
Sorg, Gregory

Matheson, Robert  
Pierce, David

McLeod, Martha  
Preston, Philip

Mulholland, Catherine  
Solomon, Peter

### HILLSBOROUGH

Baroody, Benjamin  
Campbell, David  
Cote, David  
Day, Russell  
Essex, David  
Foster, Linda  
Goley, Jeffrey  
Hammond, Jill  
Hunter, Bruce  
Kelley, John  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Reuschel, Michael  
Shaw, Barbara  
Sysyn, Mary

Batula, Peter  
Chase, Claudia  
Coughlin, Pamela  
Drisko, Richard  
Farley, Michael  
Gargas, Carolyn  
Gorman, Mary  
Harvey, Suzanne  
Irwin, Anne-Marie  
Knowles, Mary Ann  
Mack, Ron  
Mesa, Lily  
O'Neil, James  
Rochette, Eric  
Simon, Anthony  
Velez, Hector

Beck, Catriona  
Christensen, Chris  
Daler, Jennifer  
Edwards, Andrew  
Fletcher, Richard  
Garrity, Patrick  
Graham, John  
Hawkins, Ken  
Jasper, Shawn  
Kopka, Angeline  
Marshall, Seth  
Messier, Irene  
Price, Pamela  
Schulze, Joan  
Spaulding, Jayne  
Villeneuve, Maurice

Brunelle, Michael  
Clemons, Jane  
Daniels, Gary  
Emerton, Larry  
Fontas, Jeffrey  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Lasky, Bette  
Martineau, Jesse  
Movsesian, Lori  
Reeves, Sandra  
Shattuck, Gilman  
Sullivan, Daniel  
Winters, Joel

### MERRIMACK

Anderson, Eric  
Brueggemann, Donald  
Ehlers, Eileen  
Humphries, Charlie  
Lockwood, Priscilla  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Baxley, Maureen  
Clarke, Claire  
Foose, Robert  
Kelly, Sally  
MacKay, James  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
French, Barbara  
Kidder, David  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Brown, Carole  
DeStefano, Stephen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
Casey, Kimberley  
Emiro, Frank  
Gould, Kenneth  
Howard, Doreen  
Kennedy, James  
McEachern, Paul  
Moore, Bennett  
Priestley, Anne  
Snow, Richard  
Weare, Everett

Borden, David  
Charron, Gene  
Fesh, Bob  
Griffin, Mary  
Ingram, Russell  
Kepner, Susan  
McKenna, Daniel  
Nord, Susi  
Rausch, James  
Splaine, James  
Welch, David

Carson, Sharon  
Day, Judith  
Flanders, John Sr  
Guthrie, Joseph  
Johnson, Robert  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Robertson, Carl  
Stiles, Nancy  
Wickson, Rick

Case, Frank  
Devine, James  
Flockhart, Eileen  
Henson, John  
Kappler, Lawrence  
McCarthy, Linda  
Moody, Marcia  
Pantelakos, Laura  
Russell, Trink  
Waterhouse, Kevin

### STRAFFORD

Berube, Roger  
Burke, Rachel  
Hilliard, Dana  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Billian, Deborah  
Cyr, James  
Hofemann, Roland  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Brown, Larry  
Domingo, Baldwin  
Hubbard, Pamela  
Rollo, Deanna  
Smith, Marjorie  
Watson, Robert

Browne, Brendon  
Fargo, Thomas  
Kaen, Naida  
Rollo, Michael  
Spang, Judith

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizz, James

Ferland, Brenda  
Houde, Matthew  
Rodeschin, Beverly

Franklin, Peter  
Jillette, Arthur Jr

**NAYS 69  
BELKNAP**

Clark, Charles                      Wendelboe, Fran

**CARROLL**

Buco, Thomas                      Denley, William                      Knox, J. David

**CHESHIRE**

Emerson, Susan                      Hunt, John                      Johnson, Jane

**COOS**

Remick, William

**GRAFTON**

None

**HILLSBOROUGH**

Bergeron, Jean-Guy	Christiansen, Lars	Crane, Elenore Casey	Elliott, Nancy
Hackel, Paul	Haefner, Robert	Hinkle, Peyton	Hogan, Edith
Holden, Randolph	Infantine, William	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Leishman, Peter	Lessard, Rudy	Levasseur, Nickolas
Levesque, Melanie	Lisle, Carolyn	McRae, Karen	Mooney, Maureen
Peterson, Andy	Pilotte, Maurice	Renzullo, Andrew	Shaw, Kimberly
Smith, David	Soucy, Connie	Spratt, Stephen	Stepanek, Stephen
Ulery, Jordan	Vaillancourt, Steve		

**MERRIMACK**

DeJoie, John                      Hamm, Christine

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin	Dalrymple, David
DiFruscia, Anthony	Dumaine, Dudley	Garcia, Marilinda	Garrity, James
Gleason, John	Headd, James	Hopfgarten, Paul	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Quandt, Marshall
Quandt, Matthew	Reagan, John	Sanders, Elisabeth	Weyler, Kenneth
Winchell, George			

**STRAFFORD**

Brown, Julie

**SULLIVAN**

Converse, Larry                      Skinder, Carla  
and the committee report was adopted.

**MOTION TO SUSPEND RULES**

Reps. Wallner and Whalley move that the Rules be so far suspended as to allow reporting from committees after Noon on March 22<sup>nd</sup>.  
Adopted by the necessary two-thirds.

**RESOLUTION**

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 27, 2007 at 10:00 a.m.  
Adopted.

**LATE SESSION**

**Third reading and final passage**

**HB 158**, requiring insurance companies to allow covered persons to purchase an up-to-90 day supply of covered prescription drugs on the covered person's health plan formulary under certain circumstances.

**HB 215**, relative to fees for hearing care providers.

**HB 228**, relative to the definition of "medical necessity" under the managed care law.

**HB 281**, relative to the cancellation of buying club memberships.

**HB 324**, relative to the use of artificial trans fats and saturated fats in food prepared and served in public schools.

**HB 365**, establishing a commission to study foreclosures of home mortgages and the foreclosure rescue scam industry.

**HB 469**, relative to on-premises cocktail lounge licenses for caterers and relative to beverage manufacturer hospitality rooms.

**HB 499**, relative to the innovative research center.

**HB 532**, relative to insurance fraud.

**HB 147**, relative to counting kindergarten pupils in charter school attendance.

**HB 164**, prohibiting school personnel from recommending the use of psychotropic medications for any child.

**HB 213**, relative to the availability of school nutrition program funds for charter school and nonpublic schools.

**HB 242**, relative to the declaration of candidacy form.

**HB 367**, relative to incompatible offices.

**HB 142**, relative to the sale of out-of-state animals.

**HB 207**, establishing a commission to study and make recommendations on the expansion of the New Hampshire Agricultural Innovation Program.

**HB 307**, relative to examinations of electricians by the electricians' board.

**HB 220**, establishing a reporting requirement for departments that receive highway funds.

**HB 417-FN-A**, allowing the department of safety to transfer funds within the budget of the division of state police.

**HB 590-FN**, changing the state migratory waterfowl stamp into a license issued by the fish and game department.

**HB 657**, authorizing the executive director of fish and game to issue moose hunting adventure permits.

**HB 658**, prohibiting the taking of game by use of a tranquilizer.

**HB 286-FN**, relative to a Medicaid waiver for family planning services.

**HB 327**, allowing collaborative pharmacy practice agreements to include pharmacy locations during declared emergencies.

**HB 345**, relative to certification of death certificates.

**HB 483-FN**, relative to mosquito control districts.

**HB 542**, establishing a study committee to study the approval process of nursing education programs.

**HB 152**, relative to public access to meeting minutes.

**HB 426**, relative to workers' compensation rates and resolution of disputes relative to classification of employees or independent contractors.

**HB 256**, relative to the duties and powers of town treasurers.

**HB 261**, prohibiting the Carroll county attorney from engaging in the private practice of law.

**HB 316**, relative to the 5-year assessment review by the department of revenue administration.

**HB 588-FN-L**, relative to Cates Hill Road and Jericho Lake Road in the city of Berlin.

**HB 638-FN**, relative to lease agreements entered into by the department of transportation.

**HB 705**, relative to the disposal of highway or turnpike funded real estate.

**HB 252-FN**, relative to exemptions from the permitting process for excavating and dredging.

**HB 460**, relative to conservation restrictions to protect public water supplies.

**HB 49**, relative to eligibility for admittance to the New Hampshire veterans' home.

**HCR 3**, urging that New Hampshire members and veterans of the armed forces and national guard and their dependents receive health screening for depleted uranium exposure.

**HB 217**, establishing a committee to study the New Hampshire park and ride program.

**HB 598-FN-A**, repealing certain foreign dividend deductions under the business profits tax and repealing an exemption to the real estate transfer tax.

**HB 51**, permitting adoption by 2 unmarried adults in a familial relationship.

**HB 88**, establishing a committee to study single payer health care.

**HB 169**, relative to penalties for insurers or adjusters knowingly underestimating the value of an insurance claim.

**HB 334**, relative to the hours for on-premises sale of alcoholic beverages.

**HB 95-L**, relative to the treatment of charter school pupils in the definition of average daily membership in residence.

**HB 473-FN**, relative to reimbursement for members of the council for teacher education.

**HB 132**, relative to domicile for voting purposes.

**HB 133**, relative to voter registration forms.

**HB 609-FN**, relative to disclosure of campaign contributions in local elections.

**HB 118**, reducing a prior appropriation to the department of transportation to purchase flood damaged property and extending the commission to determine the appropriate public use of the property.

**HB 604-FN**, prohibiting the taking of deer from baited areas.

**HB 846**, transferring certain land in the town of Stoddard from the Trust for Public Land to the fish and game department.

**HB 139**, relative to the reporting of burn injuries.

**HB 306**, establishing a task force on work and family.

**HB 257**, allowing towns to appoint or elect a town treasurer.

**HB 189**, relative to swim lines in public waters.

**HB 361**, relative to certain laws governing public utilities and the proposed acquisition of certain assets and franchises of Verizon by FairPoint.

**HB 427**, defining construction and demolition debris and certified waste-derived product, and relative to the department of environmental services certifying waste-derived products of the wood component of construction and demolition debris.

**HB 428**, prohibiting the combustion of the wood component of construction and demolition debris and defining construction and demolition debris.

**HCR 5**, endorsing the National Health Insurance Act.

**HCR 6**, urging Congress to prevent the implementation of the North American FreeTrade Agreement superhighway system.

**HB 62**, relative to balloons being released into the air.

### UNANIMOUS CONSENT

Reps. Peterson and Price addressed the House.

### PRINT REMARKS

Without objection, the Speaker ordered the remarks of Rep. Price be printed in the Permanent Journal.

### REMARKS

**Rep. Price:** Thank you, Madam Speaker. Members of the House, I rise today to recognize former State Representative Nancy Ford who passed away on March 15<sup>th</sup> at age 79. Representative Ford served 20 years in this House from 1981 to 1991 and again from 1993 to 2003. She was known for her commitment to the Nashua community where she served on many boards, volunteered in the community and in the schools. She was known for her dedication to the legislative process and even when she became ill, she made it a point to attend legislative meetings. She was very passionate about her causes. She was known for her service to others and for those who are less fortunate and she was known to be passionate against gambling here in the legislature. To quote a colleague of mine from Nashua who sits on the other side of the aisle and served with her on the Judiciary committee, "She was known as a gracious lady who was listened to with the greatest amount of respect." Madam Speaker, I request a moment of silence in honor of her memory.

### MOMENT OF SILENCE

A moment of silence was observed in memory of former New Hampshire State Representative Nancy Ford.

### RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purpose of introduction of bills and receiving Senate messages.

Adopted.

The House recessed at 6:00 p.m.

### RECESS

### (Speaker Norelli in the Chair)

Rep. Wallner moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 10

Tuesday, March 27, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

Prayer of Saint Francis of Assisi

Lord, make us instruments of Your peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

O Divine Master, grant that we may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life. Amen.

Rep. Wendelboe, member from New Hampton, led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Brennan, Peter Cote, Stephanie Eaton, Greco, Heald, Jeudy, Stephen Johnson, Laliberte, Lessard, Loll, Benjamin Moore, Nagle and Sandra Smith, the day, illness.

Reps. Barody, Beaulieu, Bishop, Mark Clark, Lisle, McGuirk, O'Connell, Plifka, Marshall Quandt, Rochette, Sysyn and Burton Williams, the day, important business.

Rep. Spaulding, the day, death in the family.

### INTRODUCTION OF GUESTS

Bobby Nord, husband of Rep. Nord. Juanita and Katie Dangel, guests of Rep. Mooney.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Wallner moved that the Consent Calendar with the relevant amendments as printed in the Day's House Record be adopted.

**HB 606-FN**, relative to the minimum age for purchasing, possessing, or using tobacco products, removed by Rep. Timothy Robertson.

**HB 697**, relative to responsible drug advertising, removed by Rep. DeJoie.

**HB 745**, relative to the use of secret databases, removed by Rep. Kurk.

**HB 762-FN**, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed places, removed by Rep. Vaillancourt.

**HB 92**, decriminalizing marijuana, removed by Rep. Vaillancourt.

**HB 340**, restricting sex offenders from residing within a certain distance from schools and child-oriented organizations, removed by Rep. Infantine.

**HB 591-FN**, relative to an affirmative defense to certain felonious sexual assault offenses, removed by Rep. Vaillancourt.

**HB 655-FN**, relative to unborn victims of violence, removed by Rep. Rowe.

**HB 902**, establishing a committee to study the costs and benefits of the drug prohibition policy on the people of New Hampshire, removed by Rep. Ingbreton.

**HB 314**, authorizing the Pelham school board to transfer funds for the purpose of renting portable classrooms, removed by Rep. Renzullo.

**HB 424-FN-A**, relative to industrial hemp and establishing an industrial hemp special program fund, removed by Rep. Peterson.

**HB 363**, relative to certain notification for emergency contraception, removed by Rep. Dumaine.

**CACR 17**, relating to funding for education. Providing that revenue from lotteries and games of chance may only be used for educational purposes, removed by Rep. Vaillancourt.

**HB 567-FN**, relative to lowering the legal drinking age, removed by Rep. Vaillancourt.

**HB 670**, relative to repealing the incorporation of the New Hampshire Bar Association, removed by Rep. Sorg.

**HB 906**, relative to an informed jury, removed by Rep. Vaillancourt.



**HB 310**, allowing municipalities to regulate small wind energy systems, removed by Rep. Dokmo.  
**HB 474**, excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities, removed by Rep. Pelkey.

**HB 674**, extending the veterans' property tax credit to all honorably discharged veterans, removed by Rep. Lawrence.

**HB 318**, relative to large groundwater withdrawals, removed by Rep. Camm.

**HB 710**, establishing a commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters, removed by Rep. Rausch.

**HB 777-FN-A**, imposing a fee and a fine for certain changes to terrain alteration permits, removed by Rep. Rausch.

**HB 559**, relative to seat belts on school buses, removed by Rep. Emerson.

**HB 795**, relative to restricting usage of cellular phones while driving, removed by Rep. Pantelakos.

**CACR 16**, relating to an income and a sales tax. Providing that there shall be a state referendum prior to the legislature's adoption of an income tax or sales tax, removed by Rep. Vaillancourt.

**HB 622-FN-A-L**, establishing an income tax and repealing all state and local taxes, with the exception of the tobacco tax, beginning in 2012, removed by Rep. Vaillancourt.

**HB 757-FN-A**, relative to the beer tax, removed by Rep. Vaillancourt.

**HB 793-FN-A**, establishing an exemption from the interest and dividends tax for individuals who are 62 years of age or older, removed by Rep. Vaillancourt.

**HB 820-FN-A**, establishing tax on candy, removed by Rep. Vaillancourt.

**HB 891-FN-A**, establishing a beverage fee to be paid by beverage manufacturers and distributors, removed by Rep. Vaillancourt.

**HB 913-FN-A**, establishing a senior citizen property tax postponement program, removed by Rep. Almy.

Consent Calendar adopted.

Rep. Almy declared a conflict of interest on **HB 635** and did not participate in the vote on the Consent Calendar.

Rep. Morrison declared a conflict of interest on **HB 205** and did not participate in the vote on the Consent Calendar.

Rep. John Thomas declared a conflict of interest on **HB 562**, **HB 568** and **HB 758** and did not participate in the vote on the Consent Calendar.

**HB 278**, relative to notification of a parent or guardian by the medical facility treating a minor injured in an accident. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara H. Richardson for Children and Family Law: The committee deemed this bill unnecessary after learning that current practice already includes provisions for notifying parents or guardians when a minor is injured or requires medical assistance. Vote 17-0.

**HB 304**, relative to the criteria under which guardianship over a minor is granted. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary E. Walz for Children and Family Law: This bill was requested by school districts whose taxpayers are being required to pay to educate students from around the country. These students move to their town and live with a host family so that the student can play hockey at a nearby arena. To avoid paying tuition to the town, the minor's family petitions to have guardianship granted to the host family. Usually any student living with a guardian is entitled to attend the local public school for free. This bill states that if guardianship is granted solely to facilitate the minor's participation in athletic activities, the receiving public school may assess tuition, even if the guardianship is granted. Vote 17-0.

#### **Amendment (0879h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Residency and School Attendance; Guardianship. Amend RSA 193:12, II(a)(3) to read as follows:

(3) If the minor is in the custody of a legal guardian appointed by a New Hampshire court of competent jurisdiction or a court of competent jurisdiction in another state, territory, or country, legal residence is where the guardian resides. If the department of health and human services has been appointed legal guardian, the residence of the minor is where the child is placed by the

department or the court. Legal guardianship shall not be appointed solely for the purpose of allowing a pupil to attend school in a district other than the district of residence of the minor's parent or parents, *or primarily for the purpose of facilitating a minor's participation in athletic activities as provided in RSA 463:8, III(d)*. Whenever a petition for guardianship or legal custody is filed in a court of competent jurisdiction on behalf of a relative of a child, other than a parent, the child shall be permitted to attend school in the district in which the relative of the child resides pending a court determination relative to custody or guardianship.

2 New Subparagraph; Guardianship of Minors and Estates of Minors; Notice. Amend RSA 463:6, I by inserting after subparagraph (f) the following new paragraph:

(g) The superintendent of the school administrative unit in the city or town in which the person nominated in the petition to be guardian resides.

3 New Subparagraph; Guardianship of Minors and Estates of Minors; Conduct of Hearing. Amend RSA 463:8, III by inserting after subparagraph (c) the following new subparagraph:

(d) A public school district which would receive a minor pursuant to a guardianship granted under this subparagraph may object to the guardianship request on the grounds that the sole or primary motive for the guardianship request is to facilitate the minor's participation in athletic activities. The public school district responsible for educating a minor who is granted guardianship under this subparagraph may assess tuition to the petitioner.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill provides that a public school district may object to a guardianship request on the grounds that the sole or primary motive for the guardianship request is to facilitate the minor's participation in athletic activities. The public school district responsible for educating a minor who is granted guardianship in such cases may assess tuition to the petitioner.

**HB 348**, relative to the payment of college or postsecondary education expenses as part of a child support agreement. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward P. Moran for Children and Family Law: The committee feels that current law maintains an equitable balance between intact and divorced families as regards not having courts be able to require college contributions by parents. Divorced families generally have the additional financial burden of another household to maintain. Vote 17-1.

**HB 406**, relative to access to state child support enforcement records. **OUGHT TO PASS.**

Rep. Daniel C. Itse for Children and Family Law: Federal rules will require that child support records be shared with other divisions of Health and Human Services in order to ensure that government support is not being paid for persons who are receiving private support from their non-custodial parents. If the child support records are not allowed to be shared between divisions and their contracted agents, New Hampshire will not be eligible for the federally cost shared portions of Temporary Aid to Needy Families, child and family services, foster care, state Children's Health Insurance Program and Medicaid. The inter-divisional sharing of the information shall remain confidential and be used only for the administration of the various departments. Additional statutory safeguards regarding confidentiality are in place for each of these departments, some of which carry criminal penalties. Vote 17-0.

**HB 410**, establishing a commission on child support issues. **OUGHT TO PASS.**

Rep. Anthony P. Matarazzo for Children and Family Law: The committee receives many bills, as well as a great amount of testimony on parental responsibilities and divorce. The climate is constantly changing. Additionally, the federal government requires states to review their child support guidelines every four years or face serious financial consequences. The committee wants the state to comply and be at the forefront on these laws and changes. The impact on children is direct and significant. The committee looks forward to gaining insight from the commission which includes obligors, obligees, a guardian ad litem, the administrative judge of the judicial branch family division, the chair of the family law section of the New Hampshire Bar Association, and others. The commission brings all the players to the table to have the broadest most expert input possible from those who are most affected by child support issues. Vote 19-0.

**HB 444**, relative to parental rights in abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward P. Moran for Children and Family Law: This bill requires the court to provide written findings of its decision following a custody hearing requested by the non-accused parent in an abuse and neglect proceeding. The bill also requires the department of health and human services to notify the parent of his or her right to request a custody hearing at the earliest opportunity. Vote 17-0.

#### **Amendment (0889h)**

Amend the bill by replacing section 1 with the following:

1 Custody Hearing for Parent Not Charged With Abuse or Neglect. Amend RSA 169-C:19-e to read as follows:

169-C:19-e Custody Hearing for Parent not Charged With Abuse or Neglect.

*I. A parent who has not been charged with abuse or neglect shall be afforded, upon request, a full hearing in the district or family court regarding his or her ability to obtain custody. At the hearing, the parent shall be provided the opportunity to present evidence pertaining to his or her ability to provide care for the child and shall be awarded custody unless the state demonstrates, by a preponderance of the evidence, that he or she has abused or neglected the child or is otherwise unfit to perform his or her parental duties. **The court shall make written findings of fact supporting its decision.***

*II. **The department shall notify a parent who has not been charged with abuse or neglect of his or her right to request a hearing under this section at the earliest available opportunity.***

#### **AMENDED ANALYSIS**

This bill requires the court to provide written findings of its decision following a custody hearing requested by the non-accused parent in an abuse and neglect proceeding. The bill also requires the department of health and human services to notify the parent of his or her right to request a custody hearing.

**HB 463**, relative to the awarding parental rights and responsibilities to a stepparent or grandparent. **OUGHT TO PASS.**

Rep. Daniel C. Itse for Children and Family Law: This bill was the result of an interim study committee of a bill of the same subject from the previous session. Currently, the statute regarding the distribution of parental rights and responsibilities during divorce states that these statutes have no bearing on the power of the court to award parental rights and responsibilities to stepparents or grandparents. This specific power exists nowhere else in our statutes. The committee believes that stepparents and grandparents have adequate capacity to obtain legal guardianship, if the parents can be proved incompetent, without muddying the waters during a divorce. The bill simply strikes the reference to stepparents and grandparents from our statute regarding the distribution of parenting rights and responsibilities during divorce. Vote 16-0.

**HB 470**, relative to the determination of parental rights and responsibilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carolyn M. Gargas for Children and Family Law: The amendment replaces the entire bill by establishing an oversight committee to monitor the 461-A statute on parental rights and responsibilities. It will also monitor divorce and related issues. The committee has a concern that the courts may be providing insufficient information about the reasoning used in arriving at their decisions, thus compromising the possibility of a successful appeal. The oversight committee will monitor this area as part of its duties. Vote 19-0.

#### **Amendment (0838h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Legislative Oversight Committee. Amend RSA 461-A by inserting after section 20 the following new section:

461-A:21 Legislative Oversight Committee.

*I. There is established an oversight committee to ensure the monitoring of written explanations for court decisions pursuant to RSA 461-A:6, VII and to track information and all related requirements of RSA 461-A. The committee shall monitor parental rights and responsibilities, divorce, and related issues.*

II. The committee shall consist of 6 members of the house children and family law committee, appointed by the speaker of the house of representatives, and one member of the senate appointed by the president of the senate.

III. The committee shall, annually on or before November 1, report its findings and any recommendations for proposed legislation or other action. Reports shall be distributed to the governor, president of the senate, speaker of the house of representatives, administrative judge of the family division of the courts, and the state library.

2 Prospective Repeal. RSA 461-A:21, relative to the legislative oversight committee, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2011.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a legislative oversight committee to monitor implementation of RSA 461-A through January 1, 2011.

**HB 495-FN**, relative to criminal record and central registry checks of prospective foster and adoptive parents. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary E. Walz for Children and Family Law: This bill amends the Child Protection Act so that New Hampshire statutes comply with federal prerequisites to receive Foster Care Support money. Specifically, the change requires criminal record checks for private non-agency proceedings, for adoption proceedings initiated by the Department of Health and Human Services, or for adoption proceedings initiated by another agency. This bill also amends the laws governing delinquent children to allow a child to be released to the custody of the Department of Health and Human Services for appropriate placement. This assures that the language in NH statutes is in compliance with federal requirements. Vote 15-0.

### Amendment (0173h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to criminal record and central registry checks of prospective foster and adoptive parents and relative to the custody of a child placed by the court in a delinquency proceeding or a proceeding for a child in need of services (CHINS).

Amend the bill by replacing all after section 6 with the following:

7 New Paragraph; Delinquent Children; Definition of Custody Added. Amend RSA 169-B:2 by inserting after paragraph III the following new paragraph:

III-a. "Custody" means a legal status created by court order wherein the department of health and human services has placement and care responsibility for the minor.

8 Delinquent Children; Release Prior to Arraignment. Amend RSA 169-B:11, II to read as follows:

II. If such a person is not available, the court may release the minor under the supervision of a relative or friend; or ~~[place the minor] may release the minor to the custody of the department of health and human services for placement~~ in a foster home, as defined in RSA 169-C:3, XIII, a crisis home, a shelter care facility, ~~or~~ a group home with expenses charged according to RSA 169B:40, or an alcohol crisis center certified to accept juveniles; or

9 Delinquent Children; Release or Detention Pending Adjudicatory Hearing. Amend RSA 169B:14, I(c) to read as follows:

(c) Released ~~[in the supervision and care of]~~ **to the custody of the department of health and human services for placement in** a foster home, as defined in RSA 169-C:3, XIII, **a group home, a crisis home, or a shelter care facility** with expenses charged according to RSA 169-B:40; or

10 Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I(f) to read as follows:

(f) Release the minor ~~[in the care and supervision of]~~ **to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility,** with expenses charged according to RSA 169-B:40.

11 Child in Need of Services; Definition of Custody Added; Section Alphabetized and Renumbered. RSA 169-D:2 is repealed and reenacted to read as follows:

169-D:2 Definitions. In this chapter:

I. "Child" means a person who is under the age of 18 on the date the petition is filed pursuant to RSA 169-D:5.

II. "Child in need of services" means a child who is under the age of 18 and who is expressly found to be:

(a) Subject to compulsory school attendance, and who is habitually, willfully, and without good and sufficient cause, truant from school; or

(b) A child who habitually runs away from home, or who repeatedly disregards the reasonable and lawful commands of his or her parents, guardian, or custodian and places himself or herself or others in unsafe circumstances; or

(c) A child who has exhibited willful repeated or habitual conduct constituting offenses which would be violations under the criminal code of this state if committed by an adult or, if committed by a person 16 years of age or older, would be violations under the motor vehicle code of this state; and

(d) Is expressly found to be in need of care, guidance, counseling, discipline, supervision, treatment, or rehabilitation.

III. "Conditional release" means a legal status created by a court order following an adjudication that a child is a child in need of services and shall be permitted to remain in the community, including his or her home, subject to:

(a) The conditions and limitations of his or her conduct prescribed by the court.

(b) Such counseling and treatment as are deemed necessary, pursuant to methods and counseling prescribed by the court, for the minor and his or her family.

(c) The supervision of juvenile probation and parole officers as authorized by RSA 170G:16.

(d) Return to the court for violation of the conditions of the release and change of the disposition at any time during the term of the conditional release.

IV. "Court" means the district court, unless otherwise indicated.

V. "Custody" means a legal status created by court order wherein the department of health and human services has placement and care responsibility for the child.

VI. "Diversion" means a decision made by a person with authority which results in providing an individually designed program for delivery of services for the child by a specific provider, or a plan to assist the child in finding a remedy for his or her inappropriate behavior. The goal of diversion is to prevent further involvement of the child in the formal legal system. Diversion of a child may take place either at pre-filing as an alternative to the filing of a petition or at any time after the filing of the petition.

VII. "Home detention" means court-ordered confinement of a minor with his or her parents or other specified home for 24 hours a day unless otherwise prescribed by written court order, under which the minor is permitted out of the residence only at such hours and in the company of persons specified in the court order establishing the home detention.

VIII. "Restitution" means moneys, compensation, work, or service which is reimbursed by the offender to the victim who suffered personal injury or economic loss.

IX. "Services" means care, guidance, counseling, discipline, supervision, treatment and rehabilitation or any combination thereof.

12 CHINS; Release Prior to Initial Appearance. Amend RSA 169-D:10, II(c) to read as follows:

(c) ***The custody of department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility with expenses chargeable as provided in RSA 169-D:29; or***

13 CHINS; Release Pending Adjudicatory Hearing. Amend RSA 169-D:13, I(c) to read as follows:

(c) ~~[Placed]~~ ***Released to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility with expenses chargeable as provided in RSA 169-D:29; or***

14 CHINS; Dispositional Hearing. Amend RSA 169-D:17, I(b) to read as follows:

(b)(1) Releasing the child in the supervision and care of:

(1) A relative or suitable adult; or

(2) ***Releasing the child to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility with expenses charged in accordance with RSA 169-D:29; or***

~~(3) A foster home, as defined in RSA 169-C:3, XIII, with expenses charged according to RSA 169-D:29].~~

15 Repeal. The following are repealed:

I. RSA 169-B:14, I(d), relative to certain placements pending an adjudicatory hearing.

II. RSA 169-B:19, I(g), relative to certain placements at the dispositional hearing.

III. RSA 169-D:10, II(d), relative to certain placements pending an adjudicatory hearing.

IV. RSA 169-D:13, I(d), relative certain placements at the dispositional hearing.

16 Effective Date.

I. Sections 2-6 of this act shall take effect upon certification by the commissioner of the department of health and human services to the secretary of state and the office of legislative services that the United States Attorney General had adopted rules of dissemination regarding access to national crime information databases for governmental social service agencies and that departmental personnel with access to that information meet all requirements set by the Attorney General including training, certification, and background screening.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes criteria and procedures for criminal record and central registry checks of prospective foster and adoptive parents. The bill also defines custody in the context of court-ordered placements under RSA 169-B (delinquency) and RSA 169-D (CHINS).

This bill is a request of the department of health and human services.

**HB 602-FN**, relative to child support enforcement. **OUGHT TO PASS.**

Rep. Beth R. Arsenault for Children and Family Law: The legislation is in response to the Federal Deficit Reduction Act of 2005, requiring a \$25 annual fee for child support services in cases where public assistance had never been provided by the state. Failure to implement this legislation would subject the state to federal sanctions at a total loss of \$14.2 million in federal funding. Vote 17-0.

**HB 827-FN**, relative to the reasonable cost of medical support for dependent children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anthony P. Matarazzo for Children and Family Law: To enforce child support administration, this bill adds medical support to the department's duty to enforce child support and either or both parents owe a duty to provide a child with medical support. If insurance is not affordable, it will be provided by the state. This legislation is required pursuant to Federal Deficit Reduction Act mandates, and failure to comply will result in a significant loss of federal funding. Vote 17-0.

### Amendment (0906h)

Amend the bill by replacing all after the enacting clause with the following:

1 Duty of Department to Enforce Child Support; Medical Support Added. Amend RSA 161-B:3, II to read as follows:

II. The commissioner may accept applications for support enforcement services on behalf of persons who are not recipients of public assistance and may take such action as the commissioner deems appropriate to establish or enforce support obligations against ~~persons~~ **either or both parents** owing a duty to ~~pay~~ **provide child or medical** support. Action may be taken under this chapter, the abandonment or nonsupport statutes, or other appropriate statutes of this state, including but not limited to remedies established in RSA 161-C, to establish and enforce support obligations, provided, however, that if such child support obligation has been terminated by court order or by operation of law the commissioner may close the case in accordance with the criteria set out in federal statutes and regulations.

2 Income Assignment; Amount Withheld. Amend RSA 458-B:4, VI to read as follows:

VI. When less than the full amount of a legal order of support is withheld from the obligor's income, the difference shall accrue as arrears as long as the legal order of support remains in effect. **Amounts withheld from income to satisfy support obligations shall be given the following priority by the employer, unless a court or administrative order directs otherwise:**

(a) **Current child and spousal support;**

(b) **Health insurance premiums or current cash medical support obligations;**

(c) **Arrearages; and**

(d) **Other child support obligations.**

3 Child Support Guidelines; Definition of Adjusted Gross Income; Medical Support Obligation Deducted. Amend RSA 458-C:2, I(e) to read as follows:

(e) Amounts actually paid by the obligor for allowable child care expenses or **the** medical ~~[insurance coverage]~~ **support obligation** for the minor children to whom the child support order applies.

4 New Paragraph; Child Support Guidelines; Definition of Medical Support Obligation Added. Amend RSA 458-C:2 by inserting after paragraph IV the following new paragraph:

IV-a. "Medical support obligation" means the obligation of either or both parents to provide health insurance coverage for a dependent child and/or to pay a monetary sum toward the cost of health insurance provided by a public entity, parent, or other person, or for medical costs not covered by insurance, including payment for the cost of premiums, co-payments, and deductibles.

5 New Paragraph; Child Support Guidelines; Definition of Reasonable Cost Added. Amend RSA 458C:2 by inserting after paragraph VI the following new paragraph:

VI-a. "Reasonable cost" means that the medical support obligation does not exceed 5 percent of the parent's individual net income as calculated under the formula set forth in RSA 458-C:2, VI.

6 New Paragraph; Child Support Guidelines; Medical Support Obligation. Amend RSA 458-C:3 by inserting after paragraph IV the following new paragraph:

V. If the minor child is not currently enrolled in private health insurance, the court shall calculate a reasonable medical support obligation for each parent. A medical support obligation shall be reasonable if it does not exceed 5 percent of the parent's individual net income under RSA 458-C:2, VI-a. If the court determines that health insurance is available at a reasonable cost to either parent, or is available by combining the reasonable medical support obligation of both parents, the court shall order either or both parents to provide such support.

7 Parental Rights and Responsibilities; Medical Support Obligation. Amend RSA 461-A:14, IX to read as follows:

IX. (a) Each child support order shall include the court's determination and findings relative to health insurance and the payment of uninsured medical expenses for the children.

(b) *If the court determines that private health insurance is accessible and available at a reasonable cost, the court shall order the parent, or parents, to provide such insurance for the children. Accessible health insurance means the primary care services are located within 50 miles or one hour from the child's primary residence. Health insurance shall be available at a reasonable cost if the cost of such insurance does not exceed 5 percent of the responsible parent's individual net income under RSA 458-C:2, VI-a.*

(c) *If the court determines that private health insurance is not accessible or available at a reasonable cost, the court shall establish a cash medical support obligation, calculated in accordance with RSA 458-C:3, V, and order that either or both parents shall obtain such private health insurance if it subsequently becomes accessible and available at a reasonable cost. When ordered in lieu of private health insurance, an obligation for cash medical support shall be suspended and shall not accrue during such time as the obligated parent is providing private health insurance in accordance with this paragraph.*

(d) *In all cases where support is payable through the department, or where the department is providing medical assistance for the child under RSA 167, the court shall include the medical support obligation in any order issued on or after the effective date of this paragraph.*

(e) *A court may order either or both parents to pay a medical support obligation, either to provide health insurance coverage or as cash medical support, in excess of reasonable cost, in such other circumstances, as the court deems appropriate.*

8 Effective Date. This act shall take effect upon its passage.

**HB 867-FN-L**, relative to parent liability for court-ordered services in juvenile proceedings. **ought to pass with amendment.**

Rep. Edward P. Moran for Children and Family Law: This bill clarifies notification requirements as well as reimbursement time frames for adults who are responsible for children receiving court ordered services in juvenile proceedings. The time frame for repayment is four years after services begin, but provides for agreements between the county and the responsible party to modify obligations into a mutually acceptable framework. As the county human service offices have responsibility for recovering monies and their reimbursement hasn't changed since 1987, they included a provision increasing their administrative share as the proceeds are split with the state. This bill was requested by all of the counties. Vote 13-2.

#### **Amendment (0815h)**

Amend RSA 169-B:40, I(d) as inserted by section 2 of the bill by replacing it with the following:

~~[(c)]~~ (d) The state shall have a right of action ~~[over]~~ for such expenses against the parents or the people chargeable by law for the minor's support and necessities and *shall have* the right to



require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The department shall request reimbursement for such expenses from parents or other people chargeable by law for the minor's support ~~[and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided]~~. The court shall require the individual chargeable by law for the minor's support and necessities to submit a financial statement ~~[annually to the court]~~ ***periodically to the legally liable county which shall make recommendations to the court*** upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, ***income of all household members and*** any benefits received from the Social Security Administration or insurance benefits available to ~~[the individual]~~ ***household members***. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall ~~[continue from the time the services begin until 4 years beyond the time such services end]~~ ***begin as soon as possible after services commence and shall continue for a period of time equal to the length of time services were provided plus an additional 4 years***, unless such reimbursement is fully paid prior to the end of the 4-year period. ***This time period may be extended by agreement of the parties. Any month in which reimbursement payments are not paid shall extend the total period of reimbursement by one month.*** The court's jurisdiction to order reimbursement shall continue until the court-ordered obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

Amend RSA 169-C:27, I(d) as inserted by section 4 of the bill by replacing it with the following:

~~[(c)]~~ ***(d)*** The state shall have a right of action ~~[over]~~ for such expenses against the parents or the people chargeable by law for the child's support and necessities and ***shall have*** the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The department shall request reimbursement for such expenses from parents or people chargeable by law for the minor's support and necessities ~~[and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided]~~. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement ~~[annually to the court]~~ ***periodically to the legally liable county which shall make recommendations to the court*** upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, ***income of all household members and*** any benefits received from the Social Security Administration or insurance benefits available to ~~[the individual]~~ ***household members***. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall ~~[continue from the time the services begin until 4 years beyond the time such services end]~~ ***begin as soon as possible after services commence and shall continue for a period of time equal to the length of time services were provided plus an additional 4 years***, unless such reimbursement is fully paid prior to the end of the 4-year period. ***This time period may be extended by agreement of the parties. Any month in which reimbursement payments are not paid shall extend the total period of reimbursement by one month.*** The court's jurisdiction to order reimbursement shall continue until the court-ordered obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

Amend RSA 169-D:29, I(d) as inserted by section 6 of the bill by replacing it with the following:

~~[(c)]~~ ***(d)*** The state shall have a right of action ~~[over]~~ for such expenses against the parents or the people chargeable by law for the child's support and necessities and the right to require parents or other people chargeable by law for the minor's support and necessities to assign to the state any insurance benefits that may be available to pay for all or a portion of the services provided. The department shall request reimbursement for such expenses from parents or people chargeable by law for the minor's support ~~[and shall request assignment to the state of any insurance benefits that may be available to pay for all or a portion of the services provided]~~. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement ~~[annually to the court]~~ ***periodically to the legally liable county which shall***



*make recommendations to the court*, upon which the court shall make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, **income of all household members** any benefits received from the Social Security Administration or insurance benefits available to ~~[the individual]~~ **household members**. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall ~~[continue from the time the services begin until 4 years beyond the time such services end]~~ **begin as soon as possible after services commence and continue for a period of time equal to the length of time that services were provided plus an additional 4 years**, unless such reimbursement is fully paid prior to the end of the 4-year period. **This time period may be extended by agreement of the parties. Any month in which reimbursement payments are not made shall extend the total period of reimbursement by one month.** The court's jurisdiction to order reimbursement shall continue until the court-ordered obligation to reimburse has been fulfilled. If the court does not issue a reimbursement order, the court shall issue written findings explaining why such reimbursement is not ordered.

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect July 1, 2007.

**HB 36**, relative to the reporting of municipal liens in consumer reports. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul McEachern for Commerce: The purpose of the legislation is to relieve tax collectors of the burden of dealing with the irate taxpayer who mistakenly believes that a tax lien has not been released in the registry of deeds when in fact it was released. This situation arises when a credit reporting agency misses the recorded lien release. The bill would impose a duty of "reasonable diligence" upon the consumer credit reporting service and a requirement that the reporting service show the lien release on its report within one year of the release. Current law requires reporting agencies to correct errors within 30 days. The committee felt this bill does not address the perceived problem. Vote 13-2.

**HB 73**, relative to contractor bids. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. Martin for Commerce: This bill would allow any unsuccessful bidder on any contract to receive a minimum of \$500 for each ineligible person employed at any time by the successful bidder, regardless of whether the unsuccessful bidder was even qualified to perform the contract. An ineligible employee is a person not eligible for employment under the law of New Hampshire of the United States. As such, the bill provides a windfall to any alert person (and his friends) who submits even unrealistically high bids solely for the purpose of losing the bid but in the expectation of receiving \$500 for each ineligible person employed by the winning bidder at any time. Vote 16-0.

**HB 78**, relative to health insurance coverage for certain unmarried children. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: The purpose of this bill, to extend insurance coverage to unmarried children 24 years of age and younger, has been rolled into HB 790. Vote 17-0.

**HB 179**, prohibiting surrender penalties on life insurance policies. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. DeStefano for Commerce: This bill prohibits surrender or cancellation fees on life insurance policies which may be assessed if the insured wishes to terminate the policy. While some surrender values are high, completely eliminating all would pose a real problem for the industry. If these surrender charges were removed the sale of annuities may not be offered. Vote 14-1.

**HB 266**, establishing a commission to study affordable and accessible health care for New Hampshire citizens. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: The structure and duties requested in this bill have been wholly combined and expanded into HB 305 establishing a task force to study and develop legislation for 2008 for access to affordable health insurance. Vote 17-0.

**HB 298**, relative to the healthy kids corporation. **OUGHT TO PASS.**

Rep. Stephen T. DeStefano for Commerce: This bill provides that the Healthy Kids Corporation shall be the program administrator for the expanded children's health insurance program under the

Social Security Act. This bill adds the line, “the corporation shall be the program administrator for the state children’s health insurance program under Title XXI of the Social Security Act.” This is found under RSA 126-H: 2 and just clarifies that this organization stays in place and only the insurance coverage is sent out to bid. Vote 14-0.

**HB 339**, establishing a commission to study the processing and denial of health insurance claims. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: This bill sought to establish a commission to examine the efficacy of the “external review” process of health insurance claims. The small number of claims contested (approximately 60 annually out of millions processed by health insurance companies), with no preponderance of judgments either to the claimant or the insurer, indicated the process is working and that this is not a large problem. With the passage of HB 228 defining “medical necessity” future reviews will have clear criteria to work from. Vote 14-0.

**HB 349**, relative to exemptions from the consumer protection act. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. Martin for Commerce: This bill would prohibit any business which is regulated by the bank commissioner, the director of securities regulation, the insurance commissioner, or the public utilities commission from engaging in any transaction unless that transaction is expressly permitted by that regulator. As such, the bill would stifle competition and innovation. It would require the various regulators to foresee every specific transaction that might occur in the future in vibrant markets like the financial and securities markets. Companies will be prohibited from introducing new financial products and services unless they are on some list of transactions that are expressly permitted. The companies are subject to day-to-day regulation by professional regulators who know their business and can prohibit any practices they deem improper. Vote 16-1.

**HB 360**, relative to commercial construction contracts. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew S. Houde for Commerce: This bill would provide penalties for late payment in commercial construction contracts (1.5% accruing 10 days after notice, 10% penalty on total amount due, and lawyers fees). The committee does not feel it is appropriate to legislate terms in private contracts between sophisticated parties - nor to provide default terms that could otherwise be contracted around (a proposed amendment to the bill provided that these penalties could be avoided by providing alternative contract terms). Finally, there is no reason to believe that existing remedies for breach of payment are inadequate. Vote 18-0.

**HB 385-FN**, relative to licensing and insurance fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A. Butler for Commerce: This bill consolidates certain fees & establishes other fees for late filings by insurance companies and eliminates the workers compensation administrative assessment credit against insurance premium tax payments. The Department of Insurance has determined this bill may increase state general fund revenue by \$1,100,000 in fiscal year 2008 and \$600,000 in fiscal year 2009 and each fiscal year thereafter. There will be no fiscal impact on state, county and local expenditures or county and local revenues. Vote 18-0.

#### **Amendment (0794h)**

Amend the bill by replacing section 1 with the following:

1 Repeal. The following are repealed:

- I. RSA 281-A:59, VI, relative to payments made to the administrative fund.
- II. RSA 400-A:29, IX, relative to fees for producers.
- III. RSA 402-J:1, III, relative to scope of the producer licensing.
- IV. RSA 402-J:6, I(c), relative to application for license.

Amend RSA 400-A:29, XIII as inserted by section 5 of the bill by replacing it with the following:

- XIII. Other licensing documents; producer, consultant, adjuster, public adjuster
  - (a) Qualification and clearance letters \$10
  - (b) Paper licenses \$10
  - (c) Copies (all documents) \$1 per page

Amend RSA 400-A:29, XVIII as inserted by section 7 of the bill by replacing it with the following:

- XVIII. Public adjusters; resident and non-resident
  - (a) Non-refundable application and license fee \$100

- (b) Biennial renewal \$100
- (c) Additional fee for late renewal \$100
- (d) Fee for late completion of continuing education \$25
- (e) Address change fee \$10
- (f) Mail return fee \$25

Amend RSA 400-A:29, XIX(a) as inserted by section 7 of the bill by replacing it with the following:

- (a) Non-refundable application and license fee \$210

Amend the bill by deleting section 8 and renumbering the original sections 9-19 to read as 8-18, respectively.

Amend the bill by replacing section 12 with the following:

- 12 Insurance; High Risk Pool. Amend RSA 404-G:5-f, II to read as follows:

II. ~~[The following]~~ *All the* provisions of title 37 shall apply to the pool to the extent applicable and not inconsistent with the express provisions of this chapter, *except for the following*: ~~[RSA 415:5, 415:6, 415:6-a, 415:6-b, 415:6-c, 415:6-f, 415:6-g, 415:6-h, 415:7, 415:9-415:13, 415:22, 415:22-a, 415:22-b, 415:23, RSA 415-A, RSA 417, RSA 420-B:8, 420-B:8-b, 420-B:8-d, 420-B:8-c, 420-B:8-cc, 420-B:8-f, 420-B:8-ff, 420-B:8-g, 420-B:8-gg, 420-B:8-h, 420-B:8-i, 420-B:8-j, 420-B:8-k, 420-B:8-m, 420-B:11-12, RSA 420-C, RSA 420-E:4, RSA 420-G:7, 420-G:8, 420-G:11, RSA 420-H, RSA 420-I, and RSA 420-J:3] RSA 400-A:29, RSA 400-A:31 through 35, RSA 404-B, RSA 404-D, RSA 404-H, 408-B, and RSA 420-K.~~ For the purposes of this chapter, the pool shall be deemed an insurer, pool coverage shall be deemed individual health insurance, and pool coverage contracts shall be deemed policies.

Amend the bill by replacing all after section 16 with the following:

- 17 Effective Date. This act shall take effect 60 days after its passage.

Referred to the Committee on Ways and Means.

**HB 481**, relative to suspensions of liquor licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F. Winters for Commerce: Do you believe in the principle of innocent until proven guilty? The committee understood that, although well intentioned, this bill could threaten that doctrine. After receiving a petition from a town or city that declared a liquor licensee to be a threat to the public welfare, the liquor commission would be required to suspend the liquor license without doing an investigation of their own. The liquor commission already has the authority under RSA 541-A to immediately suspend a license if they find a threat to the public welfare, and there was concern that this power could potentially be abused by towns. Vote 14-0.

**HB 484**, relative to liens held by condominium associations on condominiums. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul McEachern for Commerce: The committee felt that existing law works quite well. Under current law liens for unpaid condominium assessments are reduced to judgments in court avoiding the necessity of foreclosure. Suit is less cumbersome than foreclosure. Vote 14-0.

**HB 513**, establishing a housing commission. **OUGHT TO PASS.**

Rep. Stephen T. DeStefano for Commerce: This bill establishes a housing commission to identify ways the state can promote and encourage the development of affordable housing. With outflow of our young adults because of the cost of housing the state needs to find a way to generate affordable or workforce housing. This bill specifically recommends that state agencies provide improved technical assistance to local governments on housing related matters. The committee felt that this commission was very necessary. Vote 12-1.

**HB 536**, relative to the regulation of martial arts schools. **OUGHT TO PASS.**

Rep. Stephen P. Spratt for Commerce: This bill takes martial arts out of the health club statute and creates its own statute. In so doing the bill retains much of the health club language while expanding the options for martial arts students. Vote 15-2.

**HB 549**, relative to accepting a purchase and sale agreement on developed waterfront property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T. DeStefano for Commerce: This bill allows a buyer and a seller to enter into a purchase and sales agreement prior to a completed site assessment. The site assessment still needs to be completed prior to the transfer of title between the seller and buyer. Vote 15-0.

**Amendment (0888h)**

Amend the bill by replacing section 1 with the following:

1 Waterfront Property Sale; Site Assessment Study. Amend RSA 485-A:39, I to read as follows:

I. Prior to the execution of a purchase and sale agreement for any developed waterfront property using a septic disposal system, the owner of the property shall, at his *or her* expense, engage a permitted subsurface sewer or waste disposal system designer to perform a site assessment study to determine if the site meets the current standards for septic disposal systems established by the department. The site assessment study shall include an on-site inspection. *If the site assessment is not complete prior to the time that the buyer and seller enter into a purchase and sale contract, the contract shall be subject to the buyer's acceptance of the completed site assessment.*

**HB 613-FN**, relative to payment for tobacco products purchased by retailers. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F. Winters for Commerce: This bill would require cigarette retailers to pay wholesalers for the cost of tobacco products purchased within 10 days of the purchase. State law does not currently set a time table; we allow the parties to set whatever terms that they can agree on, whether it is COD, or 10, 15, even 30 days or more after the purchase. Ninety-nine percent of retailers pay their bills on time, so the committee felt that this was not a problem that needed a legislative solution. Vote 17-0.

**HB 636-FN**, relative to physician credentialing under the managed care law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H. Flanders for Commerce: This bill allows the health care provider who, at the time of application, has been licensed by the respective state licensing board and credentialed by the hospital, if appropriate, to deliver health care services to covered persons and seek reimbursement for such services, when covering on-call for another health care provider who is credentialed by the carrier. It also establishes a time frame for the carriers to act upon and finalizes the credentialing process for primary care physicians and specialists. Vote 16-1.

**Amendment (0798h)**

Amend the bill by replacing section 1 with the following:

1 Managed Care Law; Credentialing Verification. Amend RSA 420-J:4, I to read as follows:

I. A health carrier shall:

(a) Establish written policies and procedures for credentialing verification of all health care professionals with whom the health carrier contracts and apply these standards consistently.

(b) Verify the credentials of a health care professional ~~[before the health care professional with whom the health carrier is contracting provides health services to covered persons]~~. *Prior to completion of credentialing verification the health carrier shall:*

*(1) Allow a health care provider who, at the time of application, has been licensed by the respective state licensing board and credentialed by the hospital, if appropriate, to deliver health care services to covered persons and seek reimbursement for such professional services, when covering on-call for another health care provider who is credentialed by the carrier.*

*(2) Allow a health care provider to deliver health care services to covered persons and seek reimbursement for such services, when that health care provider has been licensed by his or her respective state licensing board and credentialed by the hospital, if appropriate, and who at the time of application is credentialed by the health carrier in another state or is in the health carrier's New Hampshire network based on employment with a particular health care entity. When a health care provider relocates or opens an additional office and the carrier requires a site visit, documentation of the new site evaluation shall be required as part of the credentialing process.* The medical director of the health carrier or other designated health care professional shall have responsibility for, and shall participate in, health care professional credentialing verification.

(c) Establish a credentialing verification committee consisting of licensed physicians and other health care professionals to review credentialing verification information and supporting documents and make decisions regarding credentialing verification.

(d) Make available for review by the applying health care professional upon written request all application and credentialing verification policies and procedures.

(e) Retain records and documents relating to a health care professional's credentialing verification process for 7 years.

(f) Keep confidential all information obtained in the credentialing verification process, except as otherwise provided by law.

(g) *Notify a health care provider that a submitted credentialing application is incomplete, not later than 15 business days after receiving the credentialing application.*

(h) *Act upon and finalize the credentialing process within 30 calendar days for primary care physicians and 45 days for specialists of receipt of a clean and complete application. In this section, "clean and complete" means an application signed and appropriately dated by the health care provider, that includes all of the applicable information required in paragraph II and any affirmative responses on questions related to quality and clinical competence shall contain explanations satisfactory to the carrier.*

#### AMENDED ANALYSIS

This bill allows the health care professional undergoing the formal credentialing process to provide services to patients during the process and to be reimbursed for such services upon verification of a clean credentialing record. This bill also establishes a time period within which the credentialing process is to be completed.

**HB 641-FN**, relative to automatic credentialing for health care providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce: This bill's subject matter was taken care of under HB 636-FN and the bill is no longer necessary. Vote 17-0.

**HB 696**, reclassifying certain positions in the insurance department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for Commerce: This bill, as requested by the New Hampshire Insurance Department, reclassifies certain positions in the department. The amendment adds one more examiner position at the same labor grade. Vote 16-0.

#### Amendment (0786h)

Amend the bill by replacing sections 1 and 2 with the following:

1 Insurance Department; Positions Deleted. The following positions shall be transferred from classified to unclassified positions:

Position # 40861	Property and casualty actuarial analyst	Labor Grade 32
Position # 41765	Compliance and enforcement counsel	Labor Grade 32
Position # 10966	Insurance company examiner	Labor Grade 32

2 Insurance Department; Positions Reclassified. Amend RSA 94:1-a, I(b) as follows:

Notwithstanding RSA 17-A:7, insert:

DD	Insurance department	Senior insurance fraud investigator
EE	Insurance department	Property and casualty actuarial analyst
EE	Insurance department	Compliance and enforcement council

Referred to the Committee on Executive Departments and Administration.

**HB 764**, relative to access to toilet facilities in public places. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. Pelkey for Commerce: This bill would require any private business to offer lavatory facilities to any person in cases of emergency. Current law requires only public buildings as well as bars and restaurants (or businesses that serve food) to provide lavatory facilities. The committee was unanimous with the difficulty of first establishing the definition of emergency and second mandating businesses to allow the public use of their facilities which for many would require extensive remodeling to meet access needs of the public as well as ADA compliant. The committee further felt that local control of building codes is the appropriate authority having jurisdiction beyond existing law. Vote 15-0.

**HB 782-FN**, relative to reinsurance intermediaries and conduct of examinations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen P. Spratt for Commerce: The bill, brought forward by the NH Insurance Department (NHIA), makes changes in the language regarding payment for experts hired in the examinations of an insured. In the last LBA audit of the insurance department, although recognizing that those costs were the responsibility of the insured, the language was unclear whether those expenses needed to be included in the department's budget. The bill also updates current law regarding reinsurance intermediaries to conform to the NAIC model. Vote 15-1.

**Amendment (0736h)**

Amend RSA 400-A:37, III(d) as inserted by section 6 of the bill by replacing it with the following:

(d) When making an examination under this title, the commissioner may retain, *without appropriation under RSA 9 and without qualifying as a department expenditure under RSA 4:15*, attorneys, appraisers, independent actuaries, independent certified public accountants or other professionals and specialists as examiners, the cost of which shall be borne by the company which is the subject of the examination. *The company shall pay the retained professional or specialist directly for these costs.*

Amend RSA 401-B:6, III as inserted by section 8 of the bill by replacing it with the following:

III. USE OF CONSULTANTS. The commissioner may retain [~~at the insurer's expense~~], *without appropriation under RSA 9, without qualifying as a department expenditure under RSA 4:15, and at the insurer's expense*, such attorneys, actuaries, accountants and other experts not otherwise a part of the commissioner's staff as shall be reasonably necessary to assist in the conduct of the examination under RSA 401-B:6, I. *The company shall pay the retained experts directly for these costs.* Any persons so retained shall be under the direction and control of the commissioner and shall act in a purely advisory capacity.

**HB 831**, relative to notification by pharmacies to consumers when prescriptions need to be renewed. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. Pelkey for Commerce: This bill would require the pharmacist or designee to notify a consumer that a particular prescription needed to be renewed. By allowing this bill as written, the pharmacist would bear the burden of liability which is clearly unintended. The consequences could very well mean eventual higher costs to the consumers due to increased liability, handling and administrative costs of the pharmacies. The committee unanimously viewed this bill as the consumer's responsibility to manage his or her own prescriptions. Vote 15-0.

**HB 840**, relative to home improvement contracts. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G. Reardon for Commerce: The committee heard a couple of bills dealing with home improvement contracts. The sponsor requested that we find this bill inexpedient to legislate and focus instead on another bill from the Senate. Vote 16-0.

**HB 889-FN**, relative to securities regulation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew S. Houde for Commerce: This bill, requested by the department of state, modifies certain provisions of existing securities law to, among other things, make them consistent with federal securities law; require broker-dealers and investment advisors to establish supervisory procedures over branch offices in the state (not only to achieve compliance with all securities laws but also to enable the appointees of the secretary of state to focus regulatory and/or enforcement efforts where necessary); and exempt solicitors (those not providing investment advice but rather referring business to investment advisors) from examination requirements. The amendment changes the effective date from January 1, 2008 to July 1, 2007. At present, no fiscal note had been prepared. Vote 17-0.

**Amendment (0783h)**

Amend the bill by replacing section 9 with the following:

9 Effective Date. This act shall take effect July 1, 2007.

**HB 921-FN**, making technical changes in the insurance laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T. DeStefano for Commerce: This bill addresses current law regarding group health insurance coverage. The bill clarifies the issue of who is responsible when an employer fails to

make their premium payment. Additionally it sets definitive criteria for notification by insurers to certificate holders and policy holders that their coverage has been terminated so that those employees may make an informed choice regarding their health coverage. Vote 14-1.

### Amendment (0963h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Accident and Sickness Policy Provisions. Amend RSA 415:6, I by inserting after subparagraph (14) the following new subparagraph:

(15) A provision as follows: Pre-certification: If a person is covered by more than one plan or policy and both policies require pre-certification, the pre-certification by the primary plan shall be considered sufficient and the secondary plan must honor the primary pre-certification.

2 Accident and Health Insurance; Group or Blanket Provisions. Amend the section heading of RSA 415:18 to read as follows:

415:18 **General** Group or Blanket Policy Provisions.

3 New Subparagraph; Accident and Health Insurance; Group. Amend RSA 415:18, I by inserting after subparagraph (t) the following new subparagraph:

(u) A provision that if a person is covered by more than one plan or policy and both policies require pre-certification, the pre-certification by the primary plan shall be considered sufficient and the secondary plan must honor the primary pre-certification.

4 Accident and Health Insurance; Group. Amend RSA 415:18, V(a) to read as follows:

V.(a) The coverage of any dependent of any employee or member of the group insured by such policy, pursuant to paragraph IV, who is mentally or physically incapable of earning his or her own living on the date as of which such dependent's status as a covered family member would otherwise expire because of age, shall continue under such policy while such policy remains in force or is replaced by another group or blanket policy as long as such incapacity continues and as long as said dependent remains chiefly financially dependent on the employee or member of the group or the employee or his or her estate is chargeable for the care of said dependent, provided that due proof of such incapacity is received by the insurer within 31 days of such expiration date. If such coverage is continued in accordance with this paragraph, such dependent shall be entitled upon the termination of such incapacity to ~~[a converted policy in accordance with and subject to the terms and conditions of the conversion privilege clause if such privilege is afforded by the policy, provided that such dependent has not attained the limiting age if any for coverage of adults specified in the policy]~~ **coverage offered by the New Hampshire high risk pool under RSA 404-G.**

5 Accident and Health Insurance; Group. Amend RSA 415:18, VII to read as follows:

VII.(a) If a group or blanket policy affecting a resident of New Hampshire is delivered or issued for delivery in this state or any other state, and such policy provides hospital or surgical expense insurance or major medical expense insurance for other than specific diseases, accidents only, or short-term student insurance where the policyholder is the school, the policy and any certificate issued under such policy to a New Hampshire resident shall contain a provision to the effect that in case of termination for any reason whatever of coverage, **including termination of eligibility for continuation coverage**, provided any employee while insured under a group policy issued to his *or her* employer, ~~[or to trustees, or of a termination for any reason whatever of insurance provided any member while insured under a group policy issued to a labor union;]~~ if the employee or member is not then covered by another policy of hospital or surgical expense insurance or hospital service or medical expense indemnity corporation subscriber contract providing similar benefits or if the employee or member is not covered by or eligible to be covered by a group contract or policy providing similar benefits or is not provided with similar benefits required by any statute or provided by any welfare plan or program ~~[which together with converted policy would result in over-insurance or duplication of benefits according to standards on file with the commissioner relating to individual policies]~~, the employee or member, if he *or she* has been insured under the group policy for at least 60 days, shall be entitled to have issued to him or her by the ~~[insurer]~~ **New Hampshire high risk pool** without evidence of insurability upon application ~~[therefor made to the insurer]~~ **to the New Hampshire high risk pool** within 31 days after such termination and upon payment of the ~~[quarterly]~~ **applicable** premium, ~~[applicable to the class of risk to which the covered person belongs, to the age of such person, and to the form and amount of insurance, an individual policy of insurance, hereinafter referred to as the converted policy. Subject to the pro-~~

visions of this paragraph, the benefits provided under the converted policy shall be those required by paragraphs IX, X and XI, whichever is applicable. The commissioner may from time to time make rules to establish minimum standards for such converted plans, according to RSA 541-A.

(b) The plans chosen by the employee or member, shall, at the option of the employee or member, provide identical coverage including maternity at the option of the employee or member for the dependents of such employee or member who were covered under the group policy; provided, however, that in no event shall any of the benefits provided under such plan exceed those provided for such persons under the group policy from which the conversion was made] *an individual policy of insurance under RSA 404-G or shall be entitled to elect the 39-week extension period pursuant to RSA 415:18, XVII.*

[(c)] (b) The effective date of the individual policy shall be the date of the termination of the individual's insurance under the group policy. The individual policy shall not exclude any other preexisting condition [but the hospital, surgical or medical benefits paid under the policy may be reduced by the amount of any such benefits payable under the group policy after the termination of the individual's insurance thereunder, and during the first policy year of such converted policy the benefits payable under the policy may be reduced so that they are not in excess of those that would have been payable had the individual's insurance under the group policy remained in force and effect; nor shall the individual's policy contain an age limit, except that the insurer shall not be required to convert a policy or to continue in force a converted policy which provides coverage to an individual eligible for benefits under the federal Social Security Act. The individual converted policy may include a provision whereby the insured may request information at any premium due date of the policy of any person covered thereunder as to whether he is then covered by another policy of hospital or surgical expense insurance or hospital service or medical expense indemnity corporation subscriber contract providing similar benefits or is then covered by a group contract or policy providing similar benefits or is then provided with similar benefits, required by any statute or provided by any welfare plan or program. If any such person is so covered or so provided and fails to furnish the details of such coverage when requested, the benefits payable under the converted policy may be based on the hospital, surgical or medical expenses actually incurred after excluding expenses to the extent they are payable under such other coverage or provided under such statute, plan or program].

[(d)] In the event the benefits payable are reduced in accordance with the provisions of this paragraph, the insurer shall return the portion of the premium paid which exceeds the pro-rata portion of the benefits thus determined:

[(e)] (c) The [conversion provision] *option to obtain coverage from the New Hampshire high risk pool under RSA 404-G* shall also be available, upon the death of the employee or member, to the surviving spouse with respect to those family members who are then covered by the group policy, [and shall be available] to a child solely with respect to himself *or herself* upon his *or her* attaining the limiting age of coverage under the group policy while covered as a dependent thereunder[. The conversion provision shall also be available], *and* to a former dependent spouse upon remarriage of the group plan member. [A former dependent spouse shall exercise the conversion] *The option to obtain coverage from the New Hampshire high risk pool shall be exercised within 31 days of the [remarriage of the group plan member] qualifying event.*

[(f)] (d) Each certificate holder in the insured group shall be given written notice of [this conversion privilege] *the option* and its duration within [15] 30 days after the date of termination of the group contract or policy. [If this notice is given more than 15 days after the date of termination, the time allowed for the exercise of the privilege of conversion shall be extended for a period of 15 days following receipt of written notice by the certificate holder.] Such notice shall be mailed by the insurer to the certificate holder at the last address furnished to the insurer by the contract holder at the same time as the notice required by RSA 415:18, [VH(g)(4)] XVII is mailed. Each certificate holder shall have the option of electing an individual [conversion] policy *from the New Hampshire high risk pool under RSA 404-G*, or the 39 week extension period provided pursuant to RSA 415:18, [VH(g)(4)] XVII. The election of the 39 week extension period upon termination by any person or member shall not preclude such person or member from electing [a converted policy] *to exercise the option of obtaining coverage from the New Hampshire high risk pool under RSA 404-G* at the expiration of the 39 week extension period.

[(g)(1)] Whenever any individual who is a member of any group hospital, surgical, medical insurance plan, dental insurance plan, or health maintenance organization, except short-term stu-



dent insurance where the policyholder is the school, becomes ineligible for continued participation in such plan for any reason including death, except dismissal for gross misconduct, the benefits of such plan shall be available at the same group rate to the individual, the surviving spouse and the dependents covered by the group plan, for an extension period of:

(A) 18 months; or

(B) 29 months in the case of an individual who is determined, under Title II or XVI of the Social Security Act to have been disabled within the first 60 days of the date such individual becomes ineligible for continued participation in the plan; or

(C) Except when the widow, widower, divorced spouse, or legally separated spouse of a covered employee is 55 years of age or older, 36 months in the case of:

(i) the death of the covered employee;

(ii) the divorce or the legal separation of the covered employee from the employee's spouse;

(iii) the covered employee's becoming entitled to benefits under Title XVIII of the Social Security Act or the covered employee's becoming entitled to benefits under Title XVIII of the Social Security Act within the 18-month continuation in subparagraph (g)(1)(A); or

(iv) a dependent child ceasing to be a dependent child.

(D) When the surviving spouse, divorced spouse, or legally separated spouse of a covered employee is 55 years of age or older, in the case of the death of the covered employee; or, the divorce or the legal separation of the covered employee from the employee's spouse, then the extension period shall continue until the surviving spouse, divorced spouse, or legally separated spouse becomes eligible for participation in another employer-based group plan or becomes eligible for Medicare.

(E) 36 months, for retirees and dependents who have a substantial loss of coverage within one year of the employer filing for protection under the bankruptcy provisions of Title 11 of the United States Code.

(F) Extension coverage need not be provided beyond:

(i) the first day of the month following the date the individual becomes eligible for benefits under another group plan;

(ii) the date of the first Medicare open enrollment period following the date the individual became ineligible for continued participation under the group plan;

(iii) the date on which the group plan terminates subject to RSA 415:18, VII(g)(4); or

(iv) the date on which coverage ceases because of a failure to make timely payment of premium as required; however, the payment of any premium shall be considered to be timely if made within 30 days after the date due or within such longer period as applies to the plan.

(G) The individual, surviving spouse, divorced spouse, legally separated spouse, or dependent shall elect to continue the participation in the group plan according to rules adopted by the commissioner under RSA 541-A. The individual, surviving spouse, or dependent shall be responsible for payment of premiums which may include an administrative fee not to exceed 2 percent of the monthly premium to the employer or policyholder throughout the extension period. Any divorced spouse or legally separated spouse who is responsible for making a portion of or full payment to the employer shall notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation, that coverage under this subparagraph is requested. Any employee who is responsible for making a portion of or full payment to the employer shall likewise notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation, that coverage under this subparagraph is requested. The employer shall have the right to terminate coverage for a former dependent spouse who is receiving coverage under this subparagraph if any payment for the coverage is not received from the former dependent spouse within 30 days of the date the premium payments are due. If any payment for the coverage for which the employee is responsible is not received from the employee within 30 days of the date the premium payments are due, the employer shall have the right to terminate coverage for a former dependent spouse; however, no such termination shall occur without 30 days' prior notice to the former dependent spouse, during which time the former dependent spouse shall be given an opportunity to make the payments due or to secure payment from the employee. Upon termination of the extension period, the member, surviving spouse, divorced spouse, legally separated spouse, or dependent shall be entitled to exercise any option which is provided in the group plan to elect a converted policy. After timely receipt of the premium payment from the individual, surviving

spouse, divorced spouse, legally separated spouse, or dependent, if the employer fails to make payments to the insurer or health service corporation or health maintenance organization, with the result that coverage is terminated, the employer shall be liable for benefits to the same extent as the insurer or health service corporation or health maintenance organization would have been liable if coverage had not been terminated.

(2) The provisions of this section shall apply to group hospital and medical expense policies subject to RSA 415 and group health service plan contracts issued pursuant to RSA 420-A, and to health maintenance organization policies and plans issued pursuant to RSA 420-B. The provisions of this section shall not apply to individuals covered under group policies issued to small employers of size one, as defined pursuant to RSA 420-G:2, XVI.

(3) [Repealed.]

(4) Whenever any group hospital, surgical, medical insurance plan, or health maintenance organization coverage terminates for any reason, unless such member, surviving spouse or dependent is, at the termination date, enrolled in the group plan pursuant to RSA 415:18, VH(g)(1), the benefits of such plan shall be available at the same group rate to the individual, the surviving spouse, and the dependents covered by the group plan, for an extension period of 39 weeks, or until such member, surviving spouse, or dependent becomes eligible for benefits under another group plan, whichever occurs first. Any such member, surviving spouse or dependent who is enrolled in the group plan pursuant to RSA 415:18, VH(g)(1) upon the termination date shall have the benefits of such plan available to him at the same group rate for an extension period of 39 weeks, or an extension period to the date the extension provided under RSA 415:18, VH(g)(1) would have expired had the plan not been terminated, or until such member, surviving spouse or dependent becomes eligible for benefits under another group plan, whichever occurs first. Written notice of the right to continue such group coverage shall be given by the insurance company in each master policy, certificate, and group policy. The insurance company shall furnish each employer or group an adequate supply of attachments for each master policy, certificate, or group policy in effect. An individual, surviving spouse, or dependent electing continuation of coverage under this subparagraph shall provide the insurance company written notice of election together with the first monthly premium contribution within 31 days from the date notice of the option to elect continuation of coverage was sent by the insurance company. The group rate shall be paid by the individual, surviving spouse, or dependent directly to the insurance company. The premium rate shall be that required for the coverage being continued and shall not exceed the applicable group rate, but a reasonable administrative fee not to exceed 2 percent of the monthly premium may be charged to offset billing and payment costs. Upon termination of the extension period, the member, surviving spouse, or dependent shall be entitled to exercise any option which is or was provided in the group plan to elect a converted policy. If a person or member becomes entitled to the 39-week extension period under this subparagraph the insurance company shall notify such person or member of the option to elect continuation of coverage and the conditions applicable to such coverage. If such person or member has not been given notice of the termination of the group plan within 15 days after the date of termination of the group coverage, then the person or member shall have an additional period within which to elect the 39-week extension period. This additional period shall expire 15 days after the person or member shall have been given said notice, but in no event shall the additional period extend beyond 6 months after the expiration of the original 31-day period. Written notice presented to the person or member or mailed by the insurance company to the last known address of the person or member as furnished by the policyholder shall constitute the giving of notice for the purpose of this subparagraph. If an additional period is allowed the person or member for election of the 39-week extension period as provided in this subparagraph, and if written notice of election accompanied by the first monthly premium and any monthly premiums which may be overdue, if any, is made after the expiration of the original 31-day period, but within the additional period allowed an employee or member in accordance with this subparagraph, the effective date of the extension period shall be the date of termination from the group. In no event shall a person or member entitled to such extension period be responsible for premiums accrued and unpaid prior to the termination or cancellation of the coverage.

(5) If the insurer fails to comply with the applicable employee notification requirements of RSA 415:18, VH(g)(4), then the insurer shall be liable for lost benefits payable under and according to the terms of the group policy or contract to the employee resulting from the termination of the employee's benefit plan. Such liability extends only for the period of non-compliance

~~beginning on the date notification of the employee was required under RSA 415:18, VH(g)(4) and ending on the date written notice is deposited in the United States mail. Such liability for insurers is secondary to the employer's liability during this period and becomes primary only after the department of labor advises the insurance commissioner of its determination that the employer is financially unable to pay all or any part of the employee's lost benefits and failed obligations. Such liability for insurers in no way diminishes the employer's liability during this or any period.]~~

6 Group Insurance. Amend the introductory paragraph of RSA 415:18, XII(c) to read as follows:

(c) Once a group or blanket policy has been issued, the insurer shall provide the group with an annual open enrollment period for late enrollees. During the open enrollment period, any late enrollee shall be permitted to enroll without submitting any evidence of insurability based on medical conditions. For late enrollees **in a large employer group** only, the pre-existing condition provisions shall apply for 18 months from the date of enrollment. However, an eligible employee or dependent shall not be considered a late enrollee if the individual:

7 New Paragraphs; Continuation of Coverage; Termination of Coverage. Amend RSA 415:18 by inserting after paragraph XIV the following new paragraphs:

XV. In paragraphs XVI and XVII:

(a) "Carrier" means an entity that offers or provides a policy, contract, or certificate of insurance coverage in this state. "Carrier" shall include an insurer, a health maintenance organization, or any other entity providing a policy, contract, or certificate of insurance coverage subject to state insurance regulation.

(b) "Cancellation" means the circumstance when the employer/employee relationship ceases to exist.

(c) "Individual" means any person covered under a group health plan, including but not limited to, the covered employee, the spouse of the covered employee, whether surviving, dependent, former dependent, or legally separated; or the dependent child of the employee, and any other person including a child born or placed for adoption with the covered employee, who is covered under a group health plan through the employment relationship.

(d) "Health insurance" means all group hospital and medical expense policies subject to RSA 415, group health service plan contracts pursuant to RSA 420-A, and health maintenance organization policies and plans issued pursuant to RSA 420-B, and all other plans that are additionally subject to RSA 420-G, except for small employers of size one defined pursuant to RSA 420-G:2, XVI.

(e) "Entire group termination" means that circumstance when all health insurance coverage to the group ends.

XVI. Continuation of Coverage.

(a) Carriers shall provide continuation of coverage when an individual covered by a plan of group health insurance or a health maintenance organization that provides medical, hospital, dental, and/or surgical expense benefits, except short-term student insurance where the policyholder is the school, loses coverage under the plan. Any group or blanket policy of health insurance that affects a resident of New Hampshire that is delivered or issued for delivery in this state or any other state shall contain a provision that allows each subscriber or member on the policy who is a resident of New Hampshire to obtain continuation coverage under this section. Coverage shall be provided in accordance with the procedures described in this section.

(b) Continuation coverage shall be identical to the coverage provided to other similarly situated members of the group that are still covered by the plan. The policy shall not be changed from the underlying group coverage, except that normal premium rate increases or decreases upon renewal affecting the group plan may also affect the continuation premium rate. The effective date of continuation coverage shall be the date the individual's coverage under the group plan ceased.

(c) Periods of coverage shall be as follows:

(1) Eighteen month period – When any individual loses coverage under a group health insurance plan for any reason except dismissal from employment for gross misconduct or carrier termination, coverage shall continue subject to this section for a period of 18 months, unless the individual is eligible for coverage under subparagraph (2), (3), (4), or (5).

(2) Thirty-nine week period (entire group insurance termination) – Whenever the entire group is terminated, coverage shall continue subject to this section for a period of 39 weeks. Where an individual has continuation coverage, coverage shall continue until it would have expired had the plan not been terminated or for 39 weeks, whichever occurs first.

(3) Twenty-nine month period (disability) – An individual who is determined to be disabled within the first 60 days of the date such individual loses coverage shall be entitled to 29 months of continuation coverage. Determination of disability shall be under Title II or XVI of the federal Social Security Act or any future act that has the same purpose.

(4) Thirty-six month period – Subject to subparagraph (e), coverage shall continue subject to this section for a period of 36 months if any individual loses coverage under a group health insurance plan for one of the following reasons:

(A) Death of a covered employee;

(B) The divorce or the legal separation of the covered employee;

(C) A substantial loss of coverage by retirees and dependents within one year of the employer filing for protection under the bankruptcy provisions of Title 11 of the United States Code; or

(D) A dependent child ceasing to be a dependent child.

(5) Eligible for Medicare – When the surviving spouse, divorced spouse, or legally separated spouse is 55 years of age or older and loses coverage because of the death, divorce, or legal separation of the covered employee, coverage shall continue subject to this section until such time as the spouse becomes eligible for participation in another employer-based group plan or becomes eligible for Medicare.

(d) Premium Payments. When an individual's coverage has ended, the amount of the premium charged to the individual electing continuation coverage shall not exceed 102 percent of the group premium amount as allocated for that individual's coverage.

(e) Responsibilities.

(1) When an individual loses coverage, it shall be the responsibility of the carrier to notify the individual of the right to elect continuation coverage.

(2) It shall be the responsibility of the individual electing continuation coverage to make timely premium payments to the carrier. A 30-day grace period for payment of the premium shall be provided. Failure to make a timely remittance of the premium shall be grounds for cancellation. Whenever a carrier fails to notify an individual that his or her coverage will not continue unless the individual so elects, the carrier shall be liable, in accordance with the terms of the policy, for claims accrued until such notice is made, except that any carrier that in good faith mailed a notice to the last known address of the individual shall not be held liable. Such carrier's liability shall in no way diminish the liability of the employer if the employer fails to notify the carrier of a member's loss of coverage.

(f) Notice Requirements and Procedures. A carrier shall notify the members and subscribers of their continuation rights as follows:

(1) The carrier shall provide, at the time of commencement of coverage under the health benefit plan, a summary plan description to each eligible member or subscriber of the rights provided under this section.

(2) Notice of the right to continue coverage also shall be set forth in each master policy and individual certificate of coverage.

(3) When coverage for an individual will cease under the group policy, the carrier shall notify the individual of the individual's right to continue, the amount of the premium required to continue coverage, and the procedure for electing continuation coverage. The notice of continuation shall specify the election period that shall not be less than 45 days after the date of the notice and shall be mailed to the last known address of the individual provided by the employer or plan administrator.

(4) The carrier shall specify in each notice of continuation that premium payments are to be remitted directly to the carrier.

(5) The carrier shall notify the individual of the right to continue coverage within 30 days of receiving notice from the plan administrator or employer of the loss of coverage.

(g) Election Requirements and Procedures.

(1) An individual electing continuation coverage shall notify the carrier in writing with a copy of the notice provided to the employer or plan administrator when the election is made. Such election shall be made within 45 days of the date of notice.

(2) Where the employee's spouse is also covered by the group plan, and there is a divorce or legal separation, the employee shall notify the employer of the divorce or separation within 30 days, and shall provide the employer and carrier with the employee's spouse's mail-

ing address. In case of a divorce or legal separation, the carrier shall provide a separate notice of the right to continue to the divorced or separated spouse. The divorced or separated spouse may elect to continue coverage by notifying the carrier within 45 days of the date of the notice and remitting the premium payment.

(3) Election by the individual shall be made within the period of time stated in the notice of the right to continue, by written notice to the carrier and the employer. The required premium payment, as specified in the notice of the right to continue, shall be remitted as required in the notice with the written notice of election.

(4) Where an individual declines the right to continue coverage, waiver shall be made by an affirmative means of declination, including but not limited to written declination of continuation coverage or electronic contact to the employer or plan administrator. An individual shall have the right to revoke the notice of declaration anytime within the specified election period.

(5) Where proper notice has been given, and no response is made within the election period, coverage may be deemed waived if the carrier has in good faith made reasonable efforts to contact the eligible individual. However, no carrier may deem any coverage waived if a notice does not fully comply with this section.

(6) Where an individual has attempted to notify the carrier, employer, or plan administrator of election, and where the written election has not included a premium payment, the carrier shall allow the individual to comply by paying the full amount of the unpaid premiums within 30 days of the date of election.

(7) Where more than one person covered by the group health insurance plan will lose coverage as a result of the covered employee's termination from the group, each individual shall be provided with a notice and shall have the opportunity to elect or waive coverage. Where there is a choice among plans, each individual shall have the opportunity to choose a plan.

(8) An election of continuation of coverage by a subscriber shall be deemed to include an election of continuation coverage on behalf of any other of the subscriber's dependents or beneficiaries who would lose coverage under the health benefit plan.

(h) End of Continuation Coverage. Nothing in this paragraph shall require a carrier to continue coverage beyond:

(1) The first day of the month following the individual's eligibility for a group plan through a different employer;

(2) In the case of an individual that is eligible for Medicare, the date of the first Medicare open enrollment period following the date the individual became ineligible for continued participation under the group plan;

(3) In the case of a period of extended coverage for a person who has been determined to be disabled during the first 60 days of continuation coverage, the month that begins more than 30 days after the date of a final determination that the person is no longer disabled;

(4) The date on which continuation coverage ceases because the individual has failed to pay the premium. The individual shall be given a 30-day grace period before coverage is cancelled, and shall be provided with a notice within 15 days of the date of termination that the coverage will be cancelled if the premium is not paid; or

(5) The date on which the group plan terminates subject to the continuation rights set forth in RSA 415:26.

(i) The provisions of this paragraph shall apply to group hospital and medical expense policies subject to RSA 415, group health service plan contracts issued pursuant to RSA 420-A, and to health maintenance organization policies and plans issued pursuant to RSA 420-B, and to group policies that cover New Hampshire residents who work in other states. The provisions of this section shall not apply to individuals covered under group policies issued to small employers of size one, as defined pursuant to RSA 420-G:2, XVI.

(j) Relationship to Federal Law. In any circumstance where more extensive notice requirements or other procedural requirements apply, the health benefit plan shall satisfy the specific requirements of federal law with respect to those procedural requirements.

#### XVII. Termination of Coverage.

(a) Whenever any group hospital, surgical, dental insurance plan, medical insurance plan, or health maintenance organization coverage terminates for any reason, the benefits of such plan shall be available at the same group rate to the covered members of the group plan, for an extension period of 39 weeks, or until such member of the group plan becomes eligible for benefits under another group plan, whichever occurs first.

(b) Written notice of the right to continue such group coverage upon termination shall be given by the carrier in each master policy, certificate, and group policy.

(c) Upon termination of the group policy for nonpayment of premiums the carrier shall give notice within 30 days of the effective date of termination of the policy to the policyholder and each certificate holder under the policy. Termination of the group policy for nonpayment of premiums shall occur no earlier than the date of expiration of the grace period, pursuant to RSA 415:18, I(p), for which premium was due but not paid. The notice shall provide that the certificate holder or policyholder may elect coverage from the date of termination to the date of notice; or elect coverage from the date of termination to the date of notice and continue such coverage in force pursuant to subparagraphs (d), (e), and (f).

(d) The member electing coverage under this subparagraph shall provide the carrier written notice of election together with the required premium contribution within 31 days of the date of the notice. The group rate shall be paid by the member directly to the carrier. The premium rate shall be that required for the coverage being continued and shall not exceed the applicable group rate, but a reasonable administrative fee not to exceed 2 percent of the monthly premium may be charged to offset billing and payment costs.

(e) If group members become entitled to the 39-week extension period due to termination of the policy, the carrier shall:

(1) Notify such person or member of the option to elect continuation of coverage for the extension period of 39 weeks and the conditions applicable to such coverage within 30 days of the date the plan terminates.

(2) If the carrier fails to notify the members of the termination of the group plan within 30 days of the date of termination of the group coverage, the members shall not be liable for any premiums that have not been paid prior to the date the notice was sent. In no event shall a person or member entitled to coverage for the extension period of 39 weeks be responsible for premiums accrued and unpaid prior to the date of the termination or cancellation of the coverage.

(3) Where coverage has ended as a result of an employer's nonpayment of premiums, the member electing continuation coverage shall not be liable for any accrued and unpaid premium that was the employer's responsibility under the policy, or any amount previously paid by the person for coverage under the policy that due to the employer's actions was not paid to the carrier.

(f) If the carrier fails to comply with the applicable employee notification requirements, the carrier shall be liable for lost benefits payable under and according to the terms of the group policy or contract to the employee resulting from the termination of the employee's benefit plan. Such liability shall extend only for the period of non-compliance beginning on the date notification of the employee was required and ending 31 days after the date notice was mailed.

8 New Paragraph; Definition Added. Amend RSA 415-A:1, I-d to read as follows:

I-d. ***"Date of enrollment" means the first day of coverage under the plan, or, if there is a waiting period, the first day of the waiting period, which is typically the first day of work.***

I-e. "Employee benefit plan" means employee benefit plans described in section 4(a) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1133 and 1135 and not exempted under section 4(b) of this Act other than those plans, or portions of them, that provide disability benefits.

9 Standards for Accident and Health Insurance. Amend RSA 415-A:4-b, V(b) to read as follows:

(b) A carrier or other licensed entity that offers group health plans or employee benefit plans shall file with the commissioner ***by April 1 of each year, a copy of its current grievance procedures, with all changes from the previous year annotated in the document,*** and a certificate of compliance [~~by April 1 of each year~~], stating that the carrier or other licensed entity has established and maintained, for each of its health benefit plans, grievance procedures that fully comply with the provisions of this chapter. Material modifications to the procedure shall be filed with the commissioner prior to becoming effective.

10 Preexisting Conditions. Amend RSA 415-A:5, I to read as follows:

I. If an insurer or a nonprofit hospital or medical service association elects to use a simplified application form for a policy other than a Medicare supplement policy, with or without a question as to the applicant's health at the time of application, but without any questions concerning the insured's health history or medical treatment history, the policy, 9 months after ~~the~~ ***the*** date of [~~issuance~~] ***enrollment***, must cover any loss occurring from any preexisting condition not specifically excluded from coverage by terms of the policy and, except as so provided, the policy shall not include wording that would permit a defense based upon preexisting conditions.

11 New Paragraph; Multiple-Employer Welfare Arrangements. Amend RSA 415-E:3 by inserting after paragraph II-a the following new paragraph:

II-b. No arrangement shall extend preexisting condition exclusions beyond a period of 9 consecutive months after the date of enrollment of the person's health coverage.

12 New Paragraph; Health Service Corporations; Definition Added. Amend RSA 420-A:1 by inserting after paragraph II the following new paragraph:

II-a. "Date of enrollment" means the first day of coverage under the plan, or, if there is a waiting period, the first day of the waiting period, which is typically the first day of work.

13 New Section; Coverage for Dependents. Amend RSA 420-A by inserting after section 15-a the following new section:

420-A:15-b Coverage for Dependents. If the coverage for dependent children includes coverage for dependent children who are full-time students, as defined by the appropriate educational institution, beyond the age of 18, such dependent coverage shall include coverage for a dependent's medically necessary leave of absence from school for a period not to exceed 12 months or the date on which coverage would otherwise end pursuant to the terms and conditions of the policy, whichever comes first. Any breaks in the school semester shall not disqualify the dependent child from coverage under this section. Documentation and certification of the medical necessity of a leave of absence shall be submitted to the insurer by the student's attending physician and shall be considered prima facie evidence of entitlement to coverage under this section. The date of the documentation and certification of the medical necessity of a leave of absence shall be the date the insurance coverage under this section commences.

14 New Paragraph; Health Maintenance Organizations; Definition Added. Amend RSA 420-B:1 by inserting after paragraph II the following new paragraph:

II-a. "Date of enrollment" means the first day of coverage under the plan, or, if there is a waiting period, the first day of the waiting period, which is typically the first day of work.

15 New Section; Coverage for Dependents. Amend RSA 420-B by inserting after section 8-p the following new section:

420-B:8-q Coverage for Dependents. If the coverage for dependent children includes coverage for dependent children who are full-time students, as defined by the appropriate educational institution, beyond the age of 18, such dependent coverage shall include coverage for a dependent's medically necessary leave of absence from school for a period not to exceed 12 months or the date on which coverage would otherwise end pursuant to the terms and conditions of the policy, whichever comes first. Any breaks in the school semester shall not disqualify the dependent child from coverage under this section. Documentation and certification of the medical necessity of a leave of absence shall be submitted to the insurer by the student's attending physician and shall be considered prima facie evidence of entitlement to coverage under this section. The date of the documentation and certification of the medical necessity of a leave of absence shall be the date the insurance coverage under this section commences.

16 New Subparagraph; Prohibited Practices; Health Maintenance Organizations. Amend RSA 420-B:12, I by inserting after subparagraph (c) the following new subparagraph:

(d) If a person is covered by more than one plan or policy and both policies require pre-certification, the pre-certification by the primary plan shall be considered sufficient and the secondary plan must honor the primary plan pre-certification.

17 New Paragraph; Preferred Provider Agreements; Definition Added. Amend RSA 420-C:2 by inserting after paragraph II the following new paragraph:

II-a. "Date of enrollment" means the first day of coverage under the plan, or, if there is a waiting period, the first day of the waiting period, which is typically the first day of work.

18 New Sections; Coverage for Dependents. Amend RSA 420-C by inserting after section 4 the following new sections:

420-C:4-a Coverage for Dependents. If the coverage for dependent children includes coverage for dependent children who are full-time students, as defined by the appropriate educational institution, beyond the age of 18, such dependent coverage shall include coverage for a dependent's medically necessary leave of absence from school for a period not to exceed 12 months or the date on which coverage would otherwise end pursuant to the terms and conditions of the policy, whichever comes first. Any breaks in the school semester shall not disqualify the dependent child from coverage under this section. Documentation and certification of the medical necessity of a leave



of absence shall be submitted to the insurer by the student's attending physician and shall be considered prima facie evidence of entitlement to coverage under this section. The date of the documentation and certification of the medical necessity of a leave of absence shall be the date the insurance coverage under this section commences.

420-C:4-b Pre-certification Requirement. If a person is covered by more than one plan or policy and both policies require pre-certification, the pre-certification by the primary plan shall be considered sufficient and the secondary plan must honor the primary plan pre-certification.

19 New Paragraph; Prohibiting Limitations on Liability. Amend RSA 420-C:5-a by inserting after paragraph III the following new paragraph:

IV. No contract between a health care insurer and a health care provider shall limit coverage for preexisting conditions beyond 9 consecutive months from the date of enrollment.

20 New Paragraph; Delta Dental. Amend RSA 420-F:5 by inserting after paragraph VI the following new paragraph:

VII. If the coverage for dependent children includes coverage for dependent children who are full-time students, as defined by the appropriate educational institution, beyond the age of 18, such dependent coverage shall include coverage for a dependent's medically necessary leave of absence from school for a period not to exceed 12 months or the date on which coverage would otherwise end pursuant to the terms and conditions of the policy, whichever comes first. Any breaks in the school semester shall not disqualify the dependent child from coverage under this paragraph. Documentation and certification of the medical necessity of a leave of absence shall be submitted to the insurer by the student's attending physician and shall be considered prima facie evidence of entitlement to coverage under this paragraph. The date of the documentation and certification of the medical necessity of a leave of absence shall be the date the insurance coverage under this paragraph commences.

21 New Paragraph; Individual Health Insurance; Definition Added. Amend RSA 420-G:2 by inserting after paragraph III the following new paragraph:

III-a. "Date of enrollment" means the first day of coverage under the plan, or, if there is a waiting period, the first day of the waiting period, which is typically the first day of work.

22 Definition Amended. Amend RSA 420-G:2, XIV to read as follows:

XIV. "Preexisting condition" means a condition, whether physical or mental, for which medical advice, diagnosis, care or treatment was recommended or received during the 3 months immediately preceding the **[effective]** **enrollment** date of health coverage.

23 Preexisting Conditions. Amend RSA 420-G:7, I and II to read as follows:

I. A health carrier providing health coverage to large employers may impose a preexisting condition exclusion period, but only if it is at least as favorable to covered persons as the following:

(a) No preexisting condition exclusion shall extend beyond a period of 9 consecutive months after the **[effective]** date of **enrollment** of the person's health coverage; and

(b) Such preexisting condition exclusion period may only apply to a condition, whether physical or mental, regardless of the cause of the condition, for which medical advice, diagnosis, care or treatment was recommended or received during the 3 months immediately preceding the effective date of health coverage.

II. A health carrier providing health coverage to individuals or small employers may impose a preexisting condition exclusion period, but only if it is at least as favorable to covered persons as the following:

(a) No preexisting condition exclusion period shall extend beyond a period of 9 consecutive months after the **[effective]** date of **enrollment** of the person's health coverage.

(b) Such preexisting condition exclusion period may only apply to a condition, whether physical or mental, regardless of the cause of the condition, for which medical advice, diagnosis, care, or treatment was received or recommended during the 3 months immediately preceding the **[effective]** date of **enrollment** of the person's health coverage.

24 Requested Information; Date Changes. Amend RSA 420-G:14-a, II-IV to read as follows:

II. The commissioner shall request and health carriers shall supply information and data no later than ~~April~~ **June** 1 of each year sufficient to report on the small employer health insurance market. Such information shall be reported for the market as a whole and by market segment. At the commissioner's discretion, such information may include, but not be limited to, information relating to premium rates and rating practices, the number of groups and individuals insured, avail-



ability of coverage and benefit plans, trend, loss ratios, administration costs, and profitability. The commissioner shall file a report of the information by December 1 of each year with the president of the senate, the speaker of the house of representatives, the chairperson of the house commerce committee, and the chairperson of the senate banks and insurance committee.

III. The commissioner shall request and health carriers shall supply information no later than ~~[April]~~ **June** 1 of each year sufficient to report on the types of health coverage being purchased by individuals and employers by geographic area. The report shall include specific details regarding the type of coverage, including, but not limited to, co-pays, out-of-pocket maximums, network restrictions, and deductibles.

IV. The commissioner shall file the required reports by ~~[July]~~ **September** 1 of each year with the senate president, the speaker of the house, the chairperson of the house commerce committee, and the chairperson of the senate insurance committee.

25 Explanation of Benefits. Amend RSA 420-H:5, IV to read as follows:

IV. Filings subject to this section shall be accompanied by a certificate ~~[signed by an officer of the insurer]~~ stating that ~~[it]~~ **the filing** meets the minimum reading ease score on the test used or stating that the score is lower than the minimum required but should be approved in accordance with RSA 420-H:6. To confirm the accuracy of any certification, the commissioner may require the submission of further information to verify the certification in question.

26 New Section; Managed Care Law. Amend RSA 420-J by inserting after section 3-a the following new section:

420-J:3-b Pre-certification Requirement. If a person is covered by more than one plan or policy and both policies require pre-certification, the pre-certification by the primary plan shall be considered sufficient and the secondary plan must honor the primary plan pre-certification.

27 Managed Care Law; Grievance Procedures. Amend the paragraph heading and the introductory paragraph of subparagraph (a) of RSA 420-J:5, V to read as follows:

V. Manner and Content of Notification of Determination on Appeal. ***The carrier or other licensed entity shall provide a claimant with a written determination of the appeal.***

(a) ~~[The carrier or other licensed entity shall provide a claimant with a written determination of the appeal that]~~ ***Where a decision is made to uphold, in whole or in part, the denial of benefits, the written determination of appeal shall include:***

28 Managed Care Law; Grievance Procedures. Amend RSA 420-J:5, V(a)(7) to read as follows:

(7) ~~[The following statement: "You and your plan may have other voluntary alternative dispute resolution options, such as mediation. One way to find out what may be available is to contact your local U.S. Department of Labor Office and your state insurance regulatory agency;"]~~ ***A copy of the notice of the right to external review that includes the specific requirements for filing an external review; and***

29 New Section; Coverage for Dependents. Amend RSA 420-J by inserting after section 6-c the following new section:

420-J:6-d Coverage for Dependents. If the coverage for dependent children includes coverage for dependent children who are full-time students, as defined by the appropriate educational institution, beyond the age of 18, such dependent coverage shall include coverage for a dependent's medically necessary leave of absence from school for a period not to exceed 12 months or the date on which coverage would otherwise end pursuant to the terms and conditions of the policy, whichever comes first. Any breaks in the school semester shall not disqualify the dependent child from coverage under this section. Documentation and certification of the medical necessity of a leave of absence shall be submitted to the insurer by the student's attending physician and shall be considered prima facie evidence of entitlement to coverage under this section. The date of the documentation and certification of the medical necessity of a leave of absence shall be the date the insurance coverage under this section commences.

30 Small Employer Reinsurance. Amend RSA 420-K:3, II(g) to read as follows:

(g) Assess members in accordance with the provisions of this chapter, and to make advance interim assessments as may be reasonable and necessary for organizational and interim operating expenses ***and to pay claims reinsured by the pool.*** Any such interim assessments shall be credited as offsets against any regular assessments due following the close of the fiscal year.

31 Small Employer Reinsurance. Amend RSA 420-K:6, I(b) to read as follows:

(b) In addition to the regular assessment rate, the board may establish a special assessment rate for organizational expenses *and to pay claims reinsured by the pool*. Notwithstanding RSA 420-G:4, a writer of health insurance may increase the premiums charged by the amount of the special assessment. Any assessment may appear as a separate line item on a policyholder's bill.

(1) The board shall only establish an interim assessment if the board determines that its funds are or will become insufficient to pay the reinsurance pool's expense *or claims reinsured by the pool*, in a timely manner.

(2) The regular assessment rate, and any special assessment rate, shall be subject to the approval of the commissioner. The commissioner shall approve the rate if he or she finds that the amount is required to fulfill the purpose of the reinsurance pool. For the purpose of making this determination, the commissioner may, at the expense of the pool, seek independent actuarial certification of the need for the proposed rate.

32 Small Employer Reinsurance. Amend RSA 420-K:2, II to read as follows:

II. On or before July 1, 2005, the commissioner shall give notice to all members of the pool of the time and place for the initial organizational meeting, which shall take place by July 15, 2005. The members shall select the initial board[;] *at the organizational meeting and such initial board shall be* subject to approval by the commissioner. *The members shall elect each subsequent board at the annual meeting of members and each such subsequent board shall be subject to approval by the commissioner.* The *initial board and each subsequent board* shall consist of at least 5 and not more than 9 representatives of members. There shall be no more than one board member *on the initial board and each subsequent board* representing any one member company. In determining voting rights at the organizational meeting *and all subsequent meetings of members*, each member shall be entitled to vote in person or by proxy. ~~[The vote]~~ *All such votes* shall be proportional to the member's covered lives. To the extent possible, at least 2/3 of ~~[the]~~ members of ~~[the]~~ *each* board shall be small employer health carriers. At least one member *of each board* shall be a small employer health carrier with less than \$100,000,000 in net small employer health insurance premium in this state. The commissioner, or designee, shall be an ex-officio *voting* member of the board. In approving selection of ~~[the]~~ *each* board, the commissioner shall assure that all members are fairly represented. ~~[The membership of all boards subsequent to the initial board shall be approved by the commissioner and shall, to the extent possible, reflect the same distribution of representation as is described in this paragraph.]~~

33 Small Employer Reinsurance. Amend RSA 420-K:7, II to read as follows:

II. Any person or member made a party to any action, suit, or proceeding because the person or member served on the board or on a committee or was an officer or employee of the pool shall be held harmless and be indemnified by the pool against all liability and costs, including the amounts of judgments, settlements, fines or penalties, and expenses and reasonable attorney's fees incurred in connection with the action, suit, or proceeding. The indemnification shall not be provided on any matter in which the person or member is finally adjudged in the action, suit, or proceeding to have committed a breach of duty involving gross negligence, dishonesty, willful misfeasance, or reckless disregard of the responsibilities of office. Costs and expenses of the indemnification shall be prorated and paid for by all members. *The right of indemnification shall not be exclusive of other rights or defenses to which such person or the legal representative or successors of such person, may be entitled to as a matter of law.* The commissioner may retain actuarial consultants necessary to carry out his or her responsibilities pursuant to this chapter and such expenses shall be paid by the pool established in this chapter.

34 Withholding of Wages; Insurance; Reference Change. Amend RSA 275:48, III to read as follows:

III. An insurer or plan administrator of a self-funded plan shall notify an employee in writing of termination of an employee benefit plan pursuant to the notification requirements of RSA ~~[415:18, VII(g)(4)]~~ *415:18, XVI* or the Employee Retirement Income Security Act, as applicable.

35 Insurance; Applicable Statutes; Reference Change. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:18, V~~[-RSA 415:18, VII(g)],~~ RSA 415:18, VII-a, *RSA 415:18, XVI, and XVII*, RSA 415:18-a, RSA 415:18-j, RSA 415:18-o,

RSA 415:18-r, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

36 Health Maintenance Organizations; Reference Change. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m[~~-RSA 415:18-VH(g)~~], RSA 415:18, VII-a, ***RSA 415:18, XVI, and XVII***, RSA 415:18-j, RSA 415:18-r, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

37 Delta Dental Plan of New Hampshire; Scope of Chapter; Reference Change. Amend RSA 420-F:1, III to read as follows:

III. Delta shall be governed by this chapter and shall be exempt from this title, except for the provisions of RSA 400-A:39, RSA 402-C, RSA 404-F, RSA ~~[415:18-VH(g)]~~ ***415:18, XVI***, relative to continuation of dental insurance, and 1961, 345; provided, however, if any of the provisions of 1961, 345 are inconsistent with this chapter the provisions of this chapter shall prevail. Delta and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

38 Individual Health Insurance Market; Eligibility. Amend RSA 404-G:5-e, V(c) to read as follows:

(c) The individual's premiums are paid for or reimbursed by the health care provider ***or the individual's premiums are paid by any government sponsored program or government agency***, except if the person is ~~[an "eligible individual" as defined in section 2741(b) of the Public Health Service Act]~~ ***eligible under subparagraphs I(d) or (e). Nothing in this subparagraph shall be construed to prevent the association from receiving or using non-assessment funds, including but not limited to federal, state, foundation, or other grants or donations from any source to further the purposes of this chapter.***

39 New Paragraph; Health Coverage; Enrollment. Amend RSA 420-G:8 by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding the provisions of paragraph I-a and II, small employers who are self-employed individuals shall have 90 days from the date their business is first established to enroll in a plan. Health carriers shall make their plans available to such individuals for effective dates beginning on the first day of the month following enrollment.

40 Repeal. RSA 415:18, X and XI, relative to conversion privilege, are repealed.

41 Effective Date.

I. Sections 30 through 33 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 2008.

***HB 64-FN***, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill as originally presented called for establishing a criminal penalty for violating an "out-of-service order." Department of Safety records indicate from October 2005 to March of 2007, 12,642 roadside inspections of commercial vehicles took place resulting in 17,247 violations. There were 3,400 "out-of-service" violations resulting in 2,224 vehicles being placed out-of-service. There were 10,901 driver violations resulting in 855 drivers being placed out-of-service, mostly for exceeding allowable hours for driving. The vehicle violations were mostly for brakes out of adjustment, leaks in air lines and loads not properly secured, or in some cases unsecured loads. The amendment replaces the bill and repeals the current administrative fines in RSA 263:93-B. A driver who is convicted of violating, or failing to comply with an out-of-service order shall be guilty of a Class B misdemeanor for a first offense and a Class A misdemeanor for any subsequent offense within a 10 year period. The employer who violates or knowingly requires a driver to violate an out-of-service order shares similar penalties. Representatives of the Motor Transport Association and Department of Safety have agreed with this language. Vote 16-0.

#### **Amendment (0627h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to driving a commercial motor vehicle while violating an out-of-service order.

Amend the bill by replacing all after the enacting clause with the following:

1 Disqualification and Out-of-Service Orders. RSA 263:93-a is repealed and reenacted to read as follows:

**263:93-a Disqualification and Out-of-Service Orders.**

I. Notwithstanding any law to the contrary, any person who drives a commercial motor vehicle and who is convicted of violating or failing to comply with an out-of-service order shall be guilty of a class B misdemeanor for a first offense, or a class A misdemeanor for any subsequent offense within a 10-year period, and the person's commercial driver license or privilege to drive may be suspended for 90 days for a first offense, for one year for a second offense within a 10-year period, or for 3 years for a third or subsequent offense within a 10-year period.

II. Any person convicted of violating an out-of-service order while transporting hazardous materials or while operating a commercial motor vehicle designed or used to transport 15 or more passengers, including the driver, shall be guilty of a misdemeanor and the person's commercial driver license or privilege to drive may be suspended for 180 days for a first offense, or for 3 years for a second or subsequent offense within a 10-year period.

III. Any employer who violates an out-of-service order or who knowingly requires a driver to violate or fail to comply with an out-of-service order shall be:

(a) If a natural person, guilty of a class B misdemeanor for a first offense, or a class A misdemeanor for a second or subsequent offense within a 10-year period.

(b) If any other person, guilty of a class A misdemeanor.

IV. If a driver or employer is defaulted for failing to appear in court after being charged under paragraphs I-III, the court shall enter a guilty finding.

2 Repeal. RSA 263:93-b, relative to administrative fines, is repealed.

3 Effective Date. This act shall take effect January 1, 2008.

### AMENDED ANALYSIS

This bill establishes criminal penalties, modifies license suspensions, and eliminates administrative fines for driving a commercial motor vehicle while violating an out-of-service order.

**HB 277-FN**, relative to obstructing or preventing a probation-parole officer in the course of his or her official duties. **INEXPEDIENT TO LEGISLATE.**

Rep. Delmar D. Burrige for Criminal Justice and Public Safety: This bill does not accomplish the objectives of the sponsor as written to thwart the obstructing, or preventing a probation-parole officer in the course of his or her official duties in remanding back to court violations that would result in incarceration. Vote 16-0.

**HB 309**, relative to the uniform fine schedule for the fish and game department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Armand D. Forest for Criminal Justice and Public Safety: This bill authorizes changes to the violations listed on the Fish and Game Department uniform fine schedule for OHRV and snowmobile offenses. The amendment lists snowmobile speeding violations inadvertently left off the bill and places them on the proper fine schedule. Vote 16-0.

### Amendment (0871h)

Amend section 2 of the bill by replacing the subsection entitled snowmobile violations with the following:

#### SNOWMOBILE VIOLATIONS

15. 215-C:4	Speed Limit, Back Lake	\$ 72.00
16. 215-C:7	Skimming	\$240.00
17. 215-C:8, I	Operate without lights	\$120.00
18. 215-C:8, III	Snowmobile, unreasonable speed	
	1-20 mph over prima facie speed limit	\$ 72.00
	21-30 mph over prima facie speed limit	\$120.00
	31 mph and greater over prima facie speed limit	\$240.00
19. 215-C:8, IV	Endanger person/damage property	\$120.00
20. 215-C:8, XI	Operate snowmobile on traveled portion	\$120.00
21. 215-C:10, I	Snowmobile on state way, sidewalk, or snowbank	\$ 72.00
22. 215-C:28, II	Sound level	\$120.00

23. 215-C:30, I	Required equipment	\$ 72.00
24. 215-C:30, II	Sled/trailer requirements	\$ 72.00
25. 215-C:36, I	Identification to landowner	\$120.00
26. 215-C:36, II	Operate unregistered snowmobile	\$120.00
27. 215-C:36, V	Operate without registration decals in place	\$ 60.00
28. 215-C:36, XI	Non-resident register at resident rate	\$120.00
29. 215-C:49, I	Operate without driver's license or safety training	\$ 72.00
30. 215-C:49, XIII	Operate on land of another without landowner permission	\$ 72.00
31. 215-C:49, XXI	Operate with suspended/revoked license	\$180.00

**HB 368-FN**, prohibiting trafficking in persons. **INEXPEDIENT TO LEGISLATE.**

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: Prohibiting trafficking in persons is a serious issue that has been brought to this committee both in HB 368 and HB 35 that would establish a commission to study human trafficking issues in New Hampshire. The Senate also has a bill, SB 194 that would set up a commission. The committee believed that HB 368, while important, was not necessary as we will study this issue in depth by retaining HB 35. More study is needed before determining what actions would be made criminal. A serious study by a commission is the first step in addressing this important issue. Vote 16-0.

**HB 395-FN**, relative to penalties for computer crime. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene P. Charron for Criminal Justice and Public Safety: This bill specifies the penalties for certain computer crimes. Computer crimes are becoming all too common. This bill adds previous convictions not only in New Hampshire, but includes other states, territories, or possessions of the United States. This bill, using RSA 638:17, addresses computer related offenses. Attorney General's office supports this bill. Vote 17-0.

**Amendment (0301h)**

Amend the bill by replacing sections 1-2 with the following:

1 Computer Crime Penalties. Amend RSA 638:18, I to read as follows:

I. Computer crime constitutes a class A felony if the damage to or the value of the property or computer services exceeds \$1,000, *or if the person has previously been convicted of violating RSA 638:17, II, IV, or VI, or any other statute prohibiting the same conduct in another state, territory, or possession of the United States.*

2 Computer Crime Penalties. Amend RSA 638:18, II to read as follows:

II. Computer crime constitutes a class B felony if:

- (a) The damage to or the value of the property or computer services exceeds \$500; [or]
- (b) The person recklessly engages in conduct which creates a risk of serious physical injury to another person; *or*
- (c) *The person is guilty of violating RSA 638:17, II, IV, or VI.*

**HB 446**, requiring the expulsion of a pupil for threatening a school employee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill would add the crime of criminal threatening to RSA 193:13, III, which is the statute requiring expulsion of a student who possesses a firearm in a Safe School Zone. The result would be that criminal threatening would require an expulsion while in another section of current law expulsion is optional for acts such as homicide, first and second degree assault and other serious crimes. The amendment replaces the bill and adds the act of criminal threatening to RSA 193-D: 1, the definition of "Act of theft, destruction, or violence." This is the chapter that describes a Safe School Zone. The sponsor agreed that this was a logical move and accomplishes the original goal. Vote 17-0.

**Amendment (0116h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to criminal threatening in a safe school zone.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Safe School Zones; Definitions. Amend RSA 193-D:1 by inserting after subparagraph (j) the following new subparagraph:

- (k) Criminal threatening under RSA 631:4.

**AMENDED ANALYSIS**

This bill adds criminal threatening to the definition of an act of theft, destruction, or violence within the safe school zones statute.

**HB 497-FN**, requiring jail time for certain offenses involving bad checks. **INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill as written had several serious problems. It calls for a mandatory three day jail sentence for a second offense violation of issuing bad checks and ten days in jail for a third offense. RSA 638:4, IV (a) (4) is punishable as a Class B misdemeanor. A Class B misdemeanor is punishable by a \$2,000 fine and no jail time and the right to court appointed counsel does not attach whenever there is the possibility of a jail term the right of court appointed counsel does attach. The committee believes that HB 497 actually reduces the possible penalty while imposing a mandatory jail term. This removes the judge's discretion. The committee felt that HB 497 is unworkable. Vote 16-0.

**HB 504-FN**, relative to registration requirements for certain criminal offenders under age 21. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill as amended provides for the ability of a person who was convicted of a violation of RSA 632-A: 3 II (Felonious Sexual Assault) often referred to as statutory rape, who was under the age of 21 at the time of the offense, to file a petition with the Superior Court to have his/her name removed from the Sex Offender Register. This petition can only be considered by the court if the offense was non-forcible, with the absence of coercion and 10 years have elapsed since the conviction without any further convictions of a misdemeanor, or a felony. This petition will not remove the conviction, but only allow those persons to have their names removed from the Registry. The bill as amended has the support of nearly everyone who has seen the amendment. The committee felt strongly that this approach is the right thing to do. Vote 18-0.

**Amendment (0737h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Registration of Criminal Offenders; Duration of Registration. Amend RSA 651-B:6 by inserting after paragraph IV the following new paragraph:

V. Any person who has been convicted of a violation of RSA 632-A:3, II, or an equivalent offense in another jurisdiction, who was under 21 years of age at the time of the offense and where the victim was 13 years of age or older and under 16 years of age at the time of offense, and who is required to register under this chapter, may petition the superior court in which the person was convicted or in which the person resides, for removal of the person's name from the registry. The court shall consider the petition if it was determined that the offender did not use force or coercion in the commission of the act and a period of 10 years or more has elapsed since the conviction without any other misdemeanor or felony convictions. The age difference of the parties alone shall not constitute evidence of use of force or coercion.

2 Effective Date. This act shall take effect January 1, 2008.

**AMENDED ANALYSIS**

This bill allows a person convicted of a violation of RSA 632-A:3, II who was under 21 years of age at the time of the offense and where the victim was 13 years of age or older and under 16 years of age at the time of offense, to petition the superior court for removal of the person's name from the registry.

**HB 539-FN**, relative to manslaughter. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Delmar D. Burrige for Criminal Justice and Public Safety: This bill amends the circumstances under which a defendant who commits a homicide would be charged with manslaughter if he or she proves by a preponderance of the evidence that he or she was acting under the influence of extreme mental or emotional disturbance caused by extreme provocation. The defendant shall provide pre-trial notice to the prosecution of his or her intent to rely on this affirmative defense. Vote 14-1.

**Amendment (0473h)**

Amend the bill by replacing section 1 with the following:

1 Manslaughter. Amend RSA 630:2, I to read as follows:

I. A person is guilty of manslaughter when he or she causes the death of another[:

~~(a) Under the influence of extreme mental or emotional disturbance caused by extreme provocation but which would otherwise constitute murder; or~~

~~(b)] recklessly.~~

*I-a. A defendant charged with murder under RSA 630:1-a, I(a) or RSA 630:1-b is guilty of manslaughter if he or she proves by a preponderance of the evidence that he or she was acting under the influence of extreme mental or emotional disturbance caused by extreme provocation. The defendant shall provide pre-trial notice to the prosecution of his or her intent to rely on this affirmative defense.*

**HB 572-FN**, prohibiting the use of false documentation for employment, government services, or permits. **INEXPEDIENT TO LEGISLATE.**

Rep. Lee M. Hammond for Criminal Justice and Public Safety: Existing law includes misdemeanor penalties for falsification. Enactment of this bill would only duplicate what is already on the books and increase some penalties. The only subjects currently not covered are education and employment, both of which may be denied by the responsible authority directly involved. Vote 18-0.

**HB 586-FN**, imposing an enhanced penalty for sexual assaults by persons in a position of authority. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: The sponsor's intent was to enhance penalties for certain offenses, but according to the Attorney General's office, the bill as written reduces the penalties. The present statute appears to meet the intent of the sponsors. No Fiscal note was available. Vote 18-0.

**HB 587-FN**, relative to the duties of probation and parole officers. **OUGHT TO PASS.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill would require probation and parole officers to undergo case management training to enable to better assist offenders with mental and physical disabilities, and drug treatment, relapse and addiction problems. The committee feels this would help a number of probation and parolees from re-offending. There was no fiscal note from the Department of Correction at the time this bill was passed. Vote 18-0.

**HB 654-FN**, prohibiting offenders against children from attending certain activities or events. **INEXPEDIENT TO LEGISLATE.**

Rep. Armand D. Forest for Criminal Justice and Public Safety: This legislation sought to prohibit registered offenders against children from attending any school sponsored activity event, or any children's sporting event, in which children under 13 years of age are involved. A violation of this legislation would be a misdemeanor. Offenders who have served their time and are released on parole are supervised by the Department of Corrections who can restrict activities of the registered offender. Many localities have placed restrictions on registered offenders through an ordinance. The committee felt that to make it a misdemeanor for a registered offender to attend a sporting event of one of his or her children, or grandchildren was going too far. Registration for this crime is for lifetime. If a registered offender has been released after serving his parole, he is no longer being supervised unless it was a part of his sentence. At that point, can we restrict his right of freedom, or will it be found unconstitutional? Vote 17-0.

**HB 703**, relative to day reporting programs in the county department of corrections. **OUGHT TO PASS.**

Rep. Jeffrey P. Fontas for Criminal Justice and Public Safety: The bill grants authority to the superintendent of a county correctional facility to establish a day reporting program in lieu of incarceration for certain offenders as deemed appropriate by the superintendent. It also allows for the sentencing court to order any person not committed to a state prison to participate in a day reporting program provided that such a program has been established in that county. Vote 15-0.

**HB 707**, relative to the time frames for hearings in domestic violence cases. **OUGHT TO PASS.**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill was brought forward at the request of the Attorney General's office. It fixes a problem in the current system, whereby if a petition is not acted upon within a certain time frame, the petition expires. The committee heard testimony of how difficult it has been for victims to go through the petition process again. This bill extends the time frame upon a motion by either party for good cause shown and if granted, states that the court shall reschedule the hearing as soon as is practicable and shall give the matter high priority in scheduling. The committee heard no testimony in opposition to this bill. Vote 15-0.

**HB 708**, establishing a committee to study the cost effectiveness of the county jail system. **INEXPEDIENT TO LEGISLATE.**

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: A study of all aspects of county government is currently underway as part of SB 319, Chapter 221, Laws of 2006. Representatives from all ten counties are part of the study committee. One of the duties the committee is charged with is to study the cost effectiveness of the county jail system. HB 708 would be a duplication of effort and is therefore unnecessary. Vote 16-0.

**HB 719**, relative to the statute of limitations for fire code violations. **OUGHT TO PASS.**

Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill adds a section (f) to the existing statute of limitation as set forth in RSA 625:8. It provides for a 3 months limit after discovery if committed by a natural person or within one year of its discovery if committed by any other person for any violation of RSA 153:24 which addresses regulation of the handling, storage and transportation of flammable liquids, or other disposition of highly flammable material or rubbish. Vote 16-0.

**HB 737**, relative to the enforcement of domestic violence orders. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill is a well intentioned bill that would require a service provider in a batterer's intervention program to notify the court if the defendant does not participate in, or complete a counseling, or intervention program. The problem that arises is that courts do not order a defendant to attend a particular program. Service providers only become aware of the court's requirements when the defendant seeks their services. If the defendant ignores the court's order, the service provider would not be aware of the court's order. When a defendant does report to a service provider they do, as a matter of course, report to the court the defendant's compliance with the order and whether or not they participate and complete the program. Vote 15-0.

**HB 743**, relative to the rights of crime victims while making a victim impact statement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy N. Robertson for Criminal Justice and Public Safety: This bill allows victims to speak to the Court about the effects of crime without being subject to questioning by the defense counsel. Vote 15-0.

#### **Amendment (0849h)**

Amend the bill by replacing sections 1-2 with the following:

1 Rights of Crime Victims. Amend RSA 21-M:8-k, II(p) to read as follows:

(p) The right to appear and make a written or oral victim impact statement at the sentencing of the defendant or, in the case of a plea bargain, prior to any plea bargain agreement. *No victim shall be subject to questioning by counsel when giving an impact statement.*

2 Rights of Crime Victims. Amend RSA 21-M:8-k, II(r) to read as follows:

(r) The right to be notified, ~~and~~ to attend, *and to make a written or oral victim impact statement at the* sentence review hearings and sentence reduction hearings. *No victim shall be subject to questioning by counsel when giving an impact statement.*

#### **AMENDED ANALYSIS**

This bill permits a victim to make an impact statement at the sentencing, sentence review, or sentence reduction hearings and prohibits a victim from being questioned by counsel when giving an impact statement.

**HB 760-FN**, relative to temporary relief in a domestic violence proceeding. **INEXPEDIENT TO LEGISLATE.**

Rep. Delmar D. Burrige for Criminal Justice and Public Safety: The committee feels the current law as written, enforced by the police and reviewed by the judiciary, is fair, reasoned and balanced in granting temporary relief for domestic violence. The proposed legislation would place an undue burden on the plaintiff and on the courts. Vote 15-0.

**HB 780-FN-L**, requiring police departments to be certified by the Commission on Accreditation for Law Enforcement Agencies (CALEA). **INEXPEDIENT TO LEGISLATE.**

Rep. Delmar D. Burrige for Criminal Justice and Public Safety: This need is currently being addressed by Police Standards and Training. Vote 15-0.



**HB 783-FN**, requiring DNA testing of persons convicted of certain felony offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would require that a DNA sample be taken upon intake, or release of any person convicted for the commission of any offense defined in RSA 173-B:1, I. RSA 173-B:1 is a definition section in the Domestic Violence Law. Many of the crimes described are misdemeanors and the committee was unanimous in its position that mandatory collection of DNA should not be expanded to misdemeanors. Vote 16-0.

**HB 811**, establishing a committee to study alternatives to incarceration and funding for rehabilitation programs for non-violent offenders. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene P. Charron for Criminal Justice and Public Safety: Though well intended HB 811 is not necessary at this time simply because there are many committees and commissions already in progress studying alternatives. Many of our counties are also being progressive in this area with alternative programs. The Commissioner of Corrections is also looking into follow up programs upon release. Vote 16-0.

**HB 869-FN**, relative to unauthorized video surveillance. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: This bill amends the violation of privacy statute to prohibit video surveillance outside a private place without permission from the individuals being videotaped. The committee thought that the bill was too broad as written and noted that the meaning of "outside a private place" is not clear. The committee encouraged citizens who feel they are being harassed by such videotaping to seek a remedy in the civil courts. The fiscal note stated that this bill would create a new Class A misdemeanor which may increase state and county expenditures. Vote 16-0.

**HB 872-FN**, relative to an exception to the wiretapping and eavesdropping statute for recording images or sounds occurring where there is no reasonable expectation of privacy. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: This bill allowed any person to make audio recordings of communications between individuals, without their consent, in any place where there is no reasonable expectation of privacy. The law would overturn the well established legal concept that such interception requires the consent of both parties and would seriously undermine individuals' rights to privacy. No fiscal note is available for this bill at this time. Vote 16-0.

**HB 890-FN**, relative to sentencing of persons convicted of Internet solicitation of a minor. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The proposed bill raised a number of issues that were of concern to the committee. One of the major issues was the prohibition on plea bargaining. Plea bargaining has been a long established practice that has advantages for both the state and the defendant. To restrict the practice is not in the best interest of trial practice. The second problem is that prison wardens do not determine rehabilitation treatment programs and the bill provide no sanction for non-participation. The portion of the bill requiring law enforcement agencies to maintain a "log book" was vague and confusing. Law enforcement agencies currently must handle offender registration and enforce the law where there is non-participation from the offender. If the intent of the bill's author was to keep a contact log of all contact made by law enforcement officers, the committee felt this would create an unfunded mandate. Vote 16-0.

**HB 915**, establishing a committee to study the trafficking and distribution of illegal drugs into and throughout New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill would have created a committee to study the trafficking and distribution of illegal drugs into and throughout New Hampshire. The intent of this bill is laudable, however, the recently organized Governor's Commission on Crime already is addressing this as part of their charge and as four members of the Criminal Justice Committee are members of the Commission, this legislation is unnecessary. Vote 16-0.

**HB 60**, relative to the definition of an adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Shaw for Education: The committee deemed that this bill had good criteria to include, but was not specific enough to meet the court's specifications for a definition of an adequate education. Vote 12-0.

**HB 68**, relative to the terminology used to describe public education. **INEXPEDIENT TO LEGISLATE.**

Rep. Judith E. Day for Education: This bill replaced the references to “equitable education” with “adequate education” in the relevant statutes. The same word replacements have been incorporated into other adequacy bills. Therefore, the committee felt that this bill did not need to be retained. Vote 13-0.

**HB 178-FN-L**, relative to the procedure for withdrawing from a cooperative school district. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K. McRae for Education: The committee voted Inexpedient because the situation being addressed was included in the amendment to HB 914. Vote 14-0.

**HB 205**, relative to procedures for certain court ordered out-of-district placements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith E. Day for Education: This bill relates to the laws for educationally disabled children in certain court-ordered placements. It requires that prior to ordering any out-of-district placement a school district representative shall appear before the court to present written findings and recommendations or submit such findings and recommendations to the court concerning the child’s placement. It also requires that the court shall review such findings and recommendations and that, if an out-of-district placement is ordered, the court shall issue written findings detailing the educational reasons in support of the order. Vote 17-0.

#### **Amendment (0944h)**

Amend RSA 186-C:19-b, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Prior to ordering any out-of-district placement under this section, a school district representative shall appear before the court to present written findings and recommendations or submit such findings and recommendations to the court concerning the child’s placement. The court shall review such findings and recommendations and, if an out-of-district placement is ordered, the court shall issue written findings detailing the educational reasons in support of the order.

#### **AMENDED ANALYSIS**

This bill provides that a school district representative shall appear before the court to present written findings and recommendations or submit such findings and recommendations to the court concerning the child’s placement and requires the court to issue written findings if an out-of-district placement is ordered.

**HB 521**, relative to the definition of adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles B. Yeaton for Education: With the many bills relative to establishing an adequate education, the committee feels that we have vehicles which cover the matters contained in this bill. Vote 13-0.

**HB 601-FN-A-L**, transferring the portion of special education costs directly related to health issues to the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Judith E. Day for Education: Currently, Federal Special Education laws mandate responsibility for these costs to schools. Therefore, the committee considered this bill to be Inexpedient to Legislate. Despite lack of legislative action on this bill, the committee acknowledged the importance of thoughtful discussion of this topic. Vote 14-0.

**HB 639**, relative to limitations on withdrawal from a cooperative school district. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K. McRae for Education: The committee heard the frustrations of the citizens and felt that the problems presented regarding cooperative school districts need time for a thorough review and, in that light, regretfully voted Inexpedient to Legislate. The subject matter will be addressed by the joint House-Senate committee created in the amendment to HB 914 to review the cooperative school district statutes. Vote 13-1.

**HB 698**, relative to the policy and purpose of an adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire D. Clarke for Education: The sponsor requested that the committee ITL this bill because he felt the information was out of date or addressed in other bills. Vote 14-0.

**HB 701**, relative to the definition of a school district in the case of unincorporated towns or unorganized places. **OUGHT TO PASS.**

Rep. Barbara E. Shaw for Education: This bill is necessary to correct the situation of Coos County being responsible as the school district for unincorporated towns or unorganized places in Carroll County. It removes the word "Coos" and replaces it with "a" county and "the" county. Vote 16-0.

**HB 822**, relative to enrollment of students in regional vocational schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles B. Yeaton for Education: The committee has been concerned with dropouts and with providing alternatives which might keep students in school. This bill has the potential to prevent some dropouts as it allows students to enroll in regional vocational schools, on a space-available basis, if they have attended high school for two years even though they may not have achieved the necessary credits during these two years. Vote 14-0.

#### Amendment (0905h)

Amend RSA 188-E:6, I as inserted by section 2 of the bill by replacing it with the following:

I. Students shall enroll at their regular high school for nonvocational courses and attend a regional vocational center for purposes of taking vocational courses except ~~[students], when it is determined pursuant to department of education rules that it would be in the best interest of the student, both academically and vocationally, a student may[, where distance, transportation, or other physical restrictions prohibit,]~~ attend the vocational education center for ~~[their]~~ *his or her* entire educational program. Tuition charged for students enrolled part time at the vocational education center shall be prorated on a time basis for both the local district and the state share of the payment.

Amend RSA 188-E:5 as inserted by section 4 of the bill by replacing it with the following:

188-E:5 Program. The program in the regional vocational centers shall be broad enough to serve the reasonable needs of the area, and provide for a substantial vocational offering in the region. Each center shall make maximum utilization of cooperative arrangements with special education and vocational rehabilitation in providing vocational education for disadvantaged and disabled persons. Opportunities for out-of-school youths, including "drop outs" and others, and adult education will be provided whenever possible. The regional vocational centers, as an integral part of each vocational offering, may provide opportunities in leadership development through participation by students in appropriate corresponding and nationally recognized vocational student organizations. *Regional vocational centers shall, on a space available basis, enroll any student requesting enrollment who has attended 2 years of high school regardless of the number of academic credits earned.*

#### AMENDED ANALYSIS

This bill requires regional vocational schools to accept students who have attended 2 years of high school regardless of the number of credits earned. This bill also allows students to enroll in regional vocational schools when the department of education determines it would be in their best interest.

**HB 914-L**, relative to the procedure for withdrawal from certain cooperative school districts and establishing a commission to study the procedures for withdrawal from a cooperative school district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen K. McRae for Education: There were three bills dealing with cooperative school districts. There is a problem in several districts and the committee felt that creating a committee to review the statutes relating to cooperative school districts was in order. The original statute was passed in 1947 and has had several changes since then. The amendment creates a joint Senate-House committee to look at the statute. Vote 14-0.

#### Amendment (0915h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study issues related to cooperative school districts.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study issues related to cooperative school districts.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, one of whom shall serve on the house education committee, and one of whom shall represent a town in a cooperative school district, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

### 3 Duties.

#### I. The committee shall:

(a) Study the procedure for withdrawal from a cooperative school district including any needed changes to the procedure for withdrawal from a cooperative school district.

(b) Study the procedure for amending a cooperative school district's articles of agreement, specifically to reflect demographic changes in the towns comprising the cooperative school district.

(c) Evaluate existing procedures for the division of assets, disposition of property and other equity interests of the withdrawing school district, and any other financial interest which a school district seeking withdrawal may have in the remaining cooperative school district, and recommend revisions to such procedures as necessary.

(d) Study the feasibility of permitting the formation of cooperative school districts which would expire within a specified period of time.

II. The commission may consult with department of education personnel or any other individual or organization with information or expertise relevant to the committee's objectives.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

6 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a committee to study issues related to cooperative school districts.

### **HB 272, relative to scheduling the presidential primary election. OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. Splaine for Election Law: This bill, as amended, provides for two logistical updates in our statutes to enable flexibility for the secretary of state to adjust dates for allowing absentee voting in the New Hampshire First in the Nation Presidential Primary, and to provide adequate time for the reporting to that office of the national convention delegates and alternative delegates by presidential candidates. By approving this legislation, we continue to authorize the secretary of state full flexibility in setting the date of our primary, based on an overview of the schedule of election events in other states, and thereby we continue to state our determination to protect the lead-off status of our primary. Vote 16-0.

### **Amendment (0629h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to presidential primary elections.

Amend the bill by replacing all after the enacting clause with the following:

1 Presidential Nominations; Selection of Delegates. Amend RSA 655:50 to read as follows:

655:50 Selection of Delegates. Each presidential candidate who has filed pursuant to RSA 655:47 shall file with the secretary of state ~~[between the first Monday in December and the first Monday after the first Wednesday in January before]~~ **no later than the third Friday following the last day of the filing period for the presidential primary the names and addresses in alphabetical order of the delegates and their alternates, one alternate per delegate, who shall represent [him] the candidate as his or her delegation to the national convention.**

2 Absentee Voting; Application; Forms. Amend RSA 657:4, I to read as follows:

I. Absence (Excluding Absence Due to Residence Outside the Continental United States), Religious Observance, and Disability:

New Hampshire law requires that you vote in person at the polling place for your town or ward unless you:

- a. Plan to be absent on the day of the election from the city, town, or unincorporated place in which you are registered to vote.
- b. Cannot appear in public on election day because of observance of a religious commitment.
- c. Are unable to vote in person due to a disability.
- d. Cannot appear at any time during polling hours at your polling place because an employment obligation requires you to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close.

RSA 657:1. Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an absentee ballot for the following election:

\_\_\_\_ State Primary. I am member of the:

\_\_\_\_ Republican Party

\_\_\_\_ Democratic Party

or I am now declaring my affiliation with that party and am requesting a ballot for that party's primary.

\_\_\_\_ General Election

Applicant's Name \_\_\_\_\_

(Last)

(First)

(Middle)

(DOB)

Applicant's Voting Domicile (home address):

(Street)

(City/Town)

(zip)

Mail the ballot to me at this address: \_\_\_\_\_

I hereby declare that:

\_\_\_\_ I am a duly qualified voter who is currently registered to vote in this town/ward.

\_\_\_\_ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot at the election designated above because:

\_\_\_\_ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.

***\_\_\_\_ I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.***

\_\_\_\_ I cannot appear in public on election day because of observance of a religious commitment.

\_\_\_\_ I am unable to vote in person due to a disability.

\_\_\_\_ I cannot appear at any time during polling hours at my polling place because an employment obligation requires me to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close.

This application form must be signed by the applicant. The absentee ballot forms you receive will require you to sign an affidavit confirming that you are entitled to vote by absentee ballot due to one of the reasons stated above. The moderator is required to compare the signature on the affidavit to your signature on this form. The absentee ballot will not be counted if the affidavit and this form do not appear to have been signed by the same person. RSA 659:50.

\_\_\_\_\_  
Signature of the Applicant

3 Special Overseas and Armed Services Election Write-In Ballot; Presidential Primary Election.  
Amend RSA 657:10-a to read as follows:

657:10-a Special Overseas and Armed Services Election Write-In Ballot. Notwithstanding any other provision of the election laws, a qualified absentee voter may apply to a city or town clerk for a special write-in absentee ballot. These ballots shall be mailed by the town or city clerk no

later than July 15 for voting in a state primary election, *no later than November 1 for voting in a presidential primary election*, and no later than the date of the state primary for voting in a state general election, to overseas citizens and armed services personnel who state they are unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas outside the United States and Canada. The ballot shall be prepared by the secretary of state and shall be, as nearly as practicable, the same as the official overseas citizens federal election ballot except that there shall be no candidate's names printed on it.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill modifies dates for the filing names of addresses of presidential delegates and for mailing special overseas and armed services election write-in ballots. This bill also permits a person to request an absentee ballot for a presidential primary election before the date of the election has been announced.

**HB 280**, relative to the identification of persons and organizations petitioning for a citizen initiative or referendum. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Hopfgarten for Election Law: The committee appreciates the intent of this bill, but the bill is flawed in that communities that operate under town charters would not be subject to the same law as either cities or towns without a charter and, therefore, this bill could not be supported. Vote 16-0.

**HB 344**, relative to conduct of recounts. **OUGHT TO PASS.**

Rep. Janet F. Allen for Election Law This bill simply states that a candidate who has requested a recount but is unable to attend the recount will designate someone to make decisions on the candidate's behalf. The secretary of state's office fully supports the passage of this bill to solve problems that they have experienced. It is basically a housekeeping bill. Vote 16-0.

**HB 387**, relative to penalties for election law violations. **INEXPEDIENT TO LEGISLATE.**

Rep. Janet F. Allen for Election Law: Since the sponsor stated that there were no problems regarding election law violations, the committee unanimously voted to ITL this increase in penalties for local election officials. The committee believes the town and city clerks are the most well intentioned and well meaning election officials in the state. We are furthermore pleased with the number of citizens who volunteer to help with our elections. We feel that this bill would discourage the clerks and volunteers. We recognize and applaud the clerks for the difficult job they do. Vote 16-0.

**HB 534**, relative to political committees of political parties. **OUGHT TO PASS.**

Rep. William P. Denley for Election Law: This bill allows political subcommittees of the state political parties that include more than one city or town to be treated the same as single city or town. These regional committees will be required to submit the same reports required by single city or town committees to the secretary of state's office. Regional committees will be treated under the rules that apply to political parties rather than political action committees (PACs). Vote 13-1.

**HB 541**, relative to polling places for wards. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. Splaine for Election Law: This bill eliminates the requirement that a polling place for a ward be located in the ward. The sponsors found a better and easier way to accomplish this objective on a local basis. Vote 16-0.

**HB 548**, relative to political expenditures and contributions. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel W. McKenna for Election Law: This bill attempts to simplify tracking campaign contributions and expenditures. However, the committee found this bill to be deeply flawed. New requirements are created by this bill for the way in which candidates would have to receive contributions and make expenditures. The committee did not believe that these requirements would necessarily increase campaign finance transparency. There was further concern that this bill mandates that all campaign contributions be made by check. Vote 14-1.

**HB 608-FN**, relative to the number of ballots furnished by the secretary of state for a state general election. **OUGHT TO PASS.**

Rep. Charles F. Weed for Election Law: The committee believes this is a cost saving measure that enables the secretary of state to provide the estimated number of ballots required for state general

elections. Current law requires that the number of ballots be at least equal to the number of registered voters in the election district. Using information from a myriad of sources, the secretary of state has been "spot on" in estimating voter turnout for several decades. There are procedures in place for timely recovery should the estimated number be too low. Vote 15-0.

**HB 735**, relative to the form of the presidential primary election ballot. **OUGHT TO PASS.**

Rep. Daniel W. McKenna for Election Law: This bill is a housekeeping bill requested by the secretary of state's office. The bill clarifies the instructions on the presidential primary ballot by adding the words "vote for not more than one." Further, if no candidate files for the office of vice president, the office will not be listed on the primary election ballot. Vote 14-0.

**HB 206**, relative to the disclosure of certain livestock health information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy D. O'Connell for Environment and Agriculture: This bill stipulates that participation in a state or national animal health or disease control system that requires the registration of livestock or agricultural premises, such as the National Animal Identification System, shall be voluntary. In addition information submitted by an individual or business in such a control system can be exempt from disclosure. However, it is important to emphasize that disclosure of information to local, state, and federal officials is not public disclosure. In addition, the exemption does not affect the disclosure of information used in reportable animal health investigations under RSA 436:6-a. Vote 13-1.

**Amendment (0099h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the disclosure of certain livestock health information and relative to voluntary registration of livestock and agricultural premises.

Amend RSA 436:6-a as inserted by section 1 of the bill by replacing it with the following:  
436:6-a Records Disclosure.

I. Information submitted by an individual or business for the purpose of participating in a state or national animal health or disease control system is exempt from disclosure. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under this chapter.

II. Participation in a state or national animal health or disease control system requiring the registration of livestock or agricultural premises, such as the National Animal Identification System, shall be voluntary.

**AMENDED ANALYSIS**

This bill exempts certain livestock health information from disclosure.

This bill requires participation in livestock and agricultural premises registration programs to be voluntary.

**HB 243**, relative to a rabies immunization exemption. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard H. Snow for Environment and Agriculture: Cats, dogs & ferrets are required to be vaccinated against rabies in NH. This is done to protect the human population from infection by the rabies virus. In some rare but scientifically valid medical cases, an animal should be exempted, by their veterinarian, from vaccination for health risks to the animal. Current law does not allow for exemption. This bill adds, to the law, an allowance for exemption under carefully controlled conditions. An animal that has been exempted must be leashed, muzzled and under its owner's control when it is outside. The amendment addresses the concerns raised at the hearing about the muzzling methodology and equipment by making a local agency responsible for controlling the use of muzzles. There are no known fiscal impacts associated with this bill. Vote 13-0.

**Amendment (0209h)**

Amend RSA 436:100, II as inserted by section 1 of the bill by replacing it with the following:

*II. A rabies immunization exemption may be issued, where illness or a veterinary medical condition warrants, by the local rabies control authority upon the written recommendation of a veterinarian licensed under RSA 332-B. The recommendation shall also be signed by an American College of Veterinary Internal Medicine diplomate and the state veterinarian. The exempted animal shall be maintained in strict rabies isolation, under conditions that are at the discretion*

*of the local rabies control authority, until such time as the medical condition has been resolved and the animal can be immunized against rabies. Exempted animals shall not be allowed outdoors without being on a leash and shall be under the direct physical control of an adult owner at all times. In addition, when the animal is outdoors, it shall be muzzled in a manner approved by the local rabies control authority.*

**HB 251**, relative to the authority of the agricultural advisory board. **OUGHT TO PASS.**

Rep. Timothy D. O'Connell for Environment and Agriculture: The Agriculture Advisory Board consists of 15 members. Ten members are designated, one each, from each of our ten counties that are actively engaged in production agriculture. In addition, five members are appointed who reflect a diversity of the agricultural support and the consumer industry to monitor and sustain our agricultural economy. HB 251 expands the scope of the statutory duties of the Agriculture Advisory Board to be aware of and biennially report to the Commissioner of Agriculture administrative, legal, and other regulatory factors that are or could affect the viability of our agricultural economy. This bill is one of the recommendations of the recent report of the appointed Farm Viability Task Force. Vote 13-0.

**HB 384**, relative to repealing the authority of the department of environmental services regarding sludge and biosolids and establishing a committee to study new sludge legislation. **INEXPEDIENT TO LEGISLATE.**

Rep. Virginia L. Heard for Environment and Agriculture: This bill was found to be inexpedient to legislate because it would defeat the authority of the Department of Environmental Services to make rules regarding sludge and biosolids and cause far greater problems - the potential for unregulated spreading and management of biosolids and sludge. The other part of the bill would have established a commission to study and develop policies regarding management of sludge. This commission was found to be unnecessary as a similar commission is to be established in HB 699. Vote 14-0.

**HB 414**, relative to the sale of class A sludge in bulk agricultural fertilizer bags. **INEXPEDIENT TO LEGISLATE.**

Rep. William B. Tobin for Environment and Agriculture: The existing RSA's address the dispersal and spreading of the product. The new bill has no additional value to those laws in existence. Vote 14-0.

**HB 672**, establishing a commission to study requirements for safe and secure landfills. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Burton W. Williams for Environment and Agriculture: Secured landfills are one of our primary methods of disposing of our solid waste, including construction and demolition waste. Rules and regulations we have enacted over the years have made it increasingly difficult to site new ones or expand on existing. A commission to study secured landfills is in order at this time. Vote 16-1.

#### **Amendment (0727h)**

Amend section 2 of the bill by replacing paragraph I with the following:

##### **2 Membership and Compensation.**

##### **I. The members of the commission shall be as follows:**

(a) Four members of the house of representatives, of whom one shall be from the environment and agriculture committee, one from the science, technology, and energy committee, one from the public works committee, and one from the resources, recreation and development committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate, one of whom shall be from the energy committee, and one from the public works committee, appointed by the senate president.

(c) One member from the New Hampshire Local Government Center, appointed by the association.

(d) One representative from the New Hampshire Sierra Club, appointed by that organization.

(e) One member from the Toxics Action Center, appointed by that organization.

(f) The commissioner of the department of environmental services, or designee.

(g) The attorney general, or designee.

(h) The commissioner of the department of health and human services, or designee.

(i) One member from the university of New Hampshire, appointed by the chancellor of the university system.



(j) Two members from the business or industrial community, appointed by the governor.

(k) One member of the public, appointed by the governor.

Amend section 3 of the bill by inserting after paragraph V the following new paragraph:

VI. Banning the landfilling of construction and demolition waste unless such waste was recycled.

**HB 859**, relative to the definitions of agriculture and farming in the motor vehicle laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter H. Allen for Environment and Agriculture: This bill improves the definition of “agriculture” and “farming” as all operations of a farm as defined in RSA 21:34-2. Vote 16-0.

#### **Amendment (0854h)**

Amend the bill by replacing section 1 with the following:

1 Agriculture and Farming; Defined. RSA 259:3 is repealed and reenacted to read as follows:

259:3 Agriculture and Farming. The words “agriculture” and “farming” mean all operations of a farm, as defined in RSA 21:34-a.

**HB 879-FN**, relative to establishing a conservation agent program within the department of environmental services. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy D. O’Connell for Environment and Agriculture: The committee is in concurrence that HB 879 is unwarranted. It is the opinion of the committee that our local building inspectors working with the Department of Environmental Services through the permitting process provides the necessary monitoring and compliance with permits issued on development sites. Testimony also was brought forth that most problems arise on sites where no permit was obtained. In addition, the fiscal note indicates that the bill would have significant impact on other state agencies, counties, and municipalities. Furthermore, DES indicates annual operating expenditures of over \$400,000. Vote 16-0.

**HB 312-FN**, relative to alternative providers for certain health services. **OUGHT TO PASS.**

Rep. Alida I. Millham for Executive Departments and Administration: This legislation will end the registration of alternative providers who engage in mental health practice as of July 1, 2007. An “alternative provider” is a person who, for remuneration, engages in mental health practice as defined in the mental health section of the occupations and professions section of the law, but does not hold a license to practice. Registration of “alternative providers” is merely a list of people who have registered by listing their name. There are no requirements for registration such as education, experience, and continuing education. This registration situation is confusing to the public and offers no protection. There are nineteen “Alternative providers” who will remain on the list. Vote 16-0.

**HB 328**, relative to the regulation of electrical installation of alarms. **INEXPEDIENT TO LEGISLATE.**

Rep. Hector M. Velez for Executive Departments and Administration: This bill would add alarms to the electrical installations regulated by the electricians’ board. The state fire marshal opposed this bill based on the lack of clarity for alarms, training, and the fact that this bill did not mention single family homes. Both electricians and alarm installers are working on rules that will be addressing low voltage installation. These draft rules are almost complete and ready for submittal to Joint Legislative Committee on Administrative Rules. Vote 17-0.

**HB 338**, requiring the plumbers’ board to report on the feasibility of reestablishing reciprocity with neighboring states in licensing of plumbers. **OUGHT TO PASS.**

Rep. Hector M. Velez for Executive Departments and Administration: This bill requires the plumbers board to study the feasibility of re-establishing reciprocity with Maine and Vermont in licensing of plumbers. The committee believes that re-establishing reciprocity with neighboring states is in the best interest of New Hampshire because we would work collaboratively with neighboring states. In 1999, rules, as they pertained to reciprocity, expired. Studying the situation might result in new legislation. Vote 17-0.

**HB 346-FN-L**, establishing a defined contribution retirement option in the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would have allowed new employees eligible for the New Hampshire Retirement System to elect to participate in a defined contribution system (much like a 401K account) instead of the defined benefit plan cur-

rently required, and it would allow any person vested to switch to a defined contribution system. It spelled out the rates of contribution for both employees and employer. The problem with this bill is that it would take people and monies from the retirement system in that contributions would no longer go into the retirement system. This would create a funding problem in that the system would no longer receive any monies from people who went into the defined contribution plan. The result of passing this bill could possibly mean a drastic increase in payments by the communities and state payments that the taxpayers would have to pay. Vote 17-0.

**HB 545**, relative to the definition of recreational therapy. **INEXPEDIENT TO LEGISLATE.**

Rep. Catriona D. Beck for Executive Departments and Administration: This bill would amend and change the language in the introductory paragraph of RSA 326-J:1 III from "Life" to "recreational or leisure activities in the statute pertaining to recreational therapists. Due to the fact that this new law goes into effect in June of 2007, testimony presented to the committee in favor of keeping the original language, because the law has not even taken effect, outweighed making any changes at this present time. Vote 16-1.

**HB 562-FN**, excluding extra or special duty pay from earnable compensation in the retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela V. Manney for Executive Departments and Administration: This bill sought to remove extra or special duty pay from the definition of earnable compensation used in the calculation of retirement system benefits that would have negatively affected the retirement benefits of approximately 4,573 police members and some in the teaching profession. Police officers don't make much and don't pay into the social security system. The hours are long, the job is dangerous and the work schedule often takes them away from their family so they may protect ours. These retirement benefits are all they have to support themselves in their later years. They earned it, they worked for it and they deserve to receive the benefits they were promised when they took the job. The committee understood the rationale for bringing this bill forward but could not support doing so at the expense of our law enforcement officers. Vote 16-1.

**HB 568-FN**, repealing the option to purchase nonqualified service credit in the New Hampshire retirement system. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill was filed to correct a problem that was created with the passage of HB 1633 in 2006. This bill allowed members of the New Hampshire Retirement System to purchase up to five years of service credit. This then allowed a member to shorten the number of years by the number of additional years purchased. For instance, a group II member could purchase five years and retire at the end of fifteen years and receive a pension based upon 20 years credited service. It was the feeling of the committee that there exists in the RSAs today the ability for an employee to contribute to deferred compensation system, and that is where any additional contributions should be made. Vote 13-2.

**HB 569-FN**, relative to the retirement age for retirement system group II members. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M. McMahon for Executive Departments and Administration: Group I members of the New Hampshire Retirement System consist of firefighters, police, corrections and other officers who have specialized training. Their professions are often extremely strenuous and stressful. Currently, they may retire after 20 years of employment at the age of 45 because of the greater risk on the job evidenced by increased disabilities, morbidity and mortality. The committee is opposed to a change to 55 years of age for group II members. We believe that not only would the increased age of retirement add to the burden of the individual employee but it will increase costs to the employer for a disability aggravated by the strenuous nature of the job later in the lifetime of a group II member. Vote 16-1.

**HB 629-FN**, relative to authorizing continued membership in the Manchester employees' contributory retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would allow employees in the Manchester Employees Retirement System to continue in the system and opt out of the New Hampshire Retirement System when an employee is reclassified, or participate in the New Hampshire Retirement System. This came about because nurses in the city employ were going to be reclassified (transferred) to the school system. This would have forced them to become mem-

bers of the New Hampshire Retirement System. A number of these employees had 20 plus years of service. Upon transfer, they would be starting all over in the New Hampshire Retirement System and it then requires 10 years service to vest. An amendment to validate the Nashua Board of Public Works Retirement System that has been in effect since 1947 covers all city employees (outside of teachers, police & fire) much like the Manchester system does was added. This amendment will resolve any ambiguities. Vote 16-0.

### **Amendment (0630h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to authorizing continued membership in the Manchester employees' contributory retirement system, and relative to the Nashua public works retirement system.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

#### **2 Findings.**

I. The general court finds that the city of Nashua has continually operated a retirement system for employees of its board of public works since 1947. Although Nashua has had the option of merging its city-run public works retirement system with the New Hampshire retirement system, it has consistently chosen not to do so. Other than its board of public works employees, all of Nashua's other employees are in either group I or group II of the New Hampshire retirement system.

II. The New Hampshire supreme court's decision in *McKenzie v. City of Berlin*, as well as other retirement-related litigation, has caused concern among Nashua's public works employees and their families as to the validity of their 60-year-old plan. Accordingly, it is the intent of the legislature to reaffirm the continuing validity of the Nashua board of public works retirement system as an independent retirement system, exempt from the provisions of RSA 100-A.

3 Nashua Public Works Retirement System; Administration. 1943, 292:1 through 292:4 are repealed and reenacted as follows:

1. Administration. The administration of the Nashua public works retirement system is vested in a board of trustees.

2. Board of Trustees. The board of trustees shall establish rules, regulations, and policies as it deems necessary for the proper administration of the retirement plan. The board of trustees shall be selected or appointed in accordance with procedures approved by Nashua's governing body.

3. Management of Funds. The members of the board of trustees shall be the trustees of the funds created hereby and shall have full power to invest and reinvest such funds. The board of trustees shall have the powers, privileges, and immunities of a corporation. Said trustees shall have full power to hold, purchase, sell, assign, transfer, and dispose of any or all of the securities and investments in which the board has invested, as well as the proceeds of such investments. Employee contributions to the Nashua public works retirement system by employee members will be at a rate determined by its board of trustees. The Nashua public works retirement system board of trustees shall exercise the judgment and care under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters, would use in the conduct of a pension plan of like character with like aims as the trust to minimize risk of loss to the trust fund.

4. Amount of Benefit. The member retirement eligibility, the amount of the retirement benefit, the type of retirement benefit, and the termination of any such benefit shall be at the discretion of the board of trustees.

### **AMENDED ANALYSIS**

This bill allows certain members of the Manchester employees' contributory retirement system whose positions are reclassified to continue membership with the Manchester employees' contributory retirement system.

The bill also authorizes the continued operation of the Nashua public works retirement system administered by its board of trustees.

**HB 652-FN**, relative to the collection of debts owed to the state. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would allow state agencies to use a collection agency to collect monies owed to them because of unpaid fines and/or fees.

Currently, the attorney general's office will not allow agencies to go to court on their own to collect debts and will not go to court unless the monies owned are greater than \$5,000. We do not know how many dollars are involved, but heard testimony that it is considerable. Vote 15-0.

**HB 673**, allowing advanced registered nurse practitioners to certify walking disabilities. **OUGHT TO PASS.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill updates language in the statute governing walking disability plates and placards making it consistent with practice authority granted in the newly revised Nurse Practice Act. Under existing law, an advanced registered nurse practitioner may perform the walking disability assessment, but is then required to obtain the signature of a physician colleague for the form required by the Department of Motor Vehicles, prior to issuing a handicapped plate or placard. This bill authorizes the nurse practitioner to determine the disability and authorize the plate or placard, thereby eliminating unnecessary delay to the patient and interruption of the physician colleague. The New Hampshire Board of Nursing has affirmed that the walking disability assessment is within the existing scope of practice of the nurse practitioner. Thirty-two other states grant this authority to nurse practitioners. The committee received testimony and letters of support from hospitals, medical practices, professional nursing organizations and individual nurse practitioners and physician clinicians, serving thousand of New Hampshire residents who suffer from heart and lung disease, cancer, multiple sclerosis, arthritis, and other acute and chronic disorders that render mobility difficult. Enabling efficiencies within the health care delivery system is cost effective. Vote 15-1.

**HB 718-FN**, regulating privatization contracts for public service. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill regulates the manner in which private contractors are utilized by the state. Contractors make a significant contribution to state government, but are expensive. They may participate in policy making discussions and yet do not have any accountability to the state. Concerns were raised that the process recommended by HB 718 would be costly and would "further complicate an already complicated process." The amendment replaces the entire bill with a study committee to ensure that the "state renders service to the public in a manner that best serves the overall interests of the citizens of the state as well as the needs of service recipients." Vote 16-0.

**Amendment (0549h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the cost, quality, accountability and oversight standards used by the state when contacting with private entities for delivery of public services.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Intent. In order to guarantee that the state and its citizens are securing the best quality and value for the expenditure of public funds, the general court finds and declares that it is in the best interest of taxpayers and the public to ensure that there is a process of full disclosure and accountability when state agencies enter into contracts with private entities for the delivery of public services that would otherwise be rendered by public employees.

2 Committee Established. There is established a committee to study the process and scope of the privatization or outsourcing of public services that would otherwise be delivered by state employees.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be from the executive departments and administration committee and one of whom shall be from the finance committee.

(b) Two members of the senate, appointed by the president of the senate, one of whom shall be from the executive departments and administration committee and one of whom shall be from the finance committee.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall examine the extent of outsourcing or privatization of public services that are ongoing or long-term in nature. The goal of such study shall be to recommend changes

in contracting policies or procedures, as may be needed, to ensure that the state renders services to the public in a manner that best serves the overall interests of the citizens of New Hampshire as well as the needs of service recipients. In undertaking its analysis and making its recommendations, the committee shall look at whether there is a complete accounting during the contracting process of the comparative costs of direct public service delivery versus the outsourcing or privatization of those same services; whether contract administration and oversight are factored into the cost analysis; whether methods are in place to ensure contractor accountability and quality service delivery via trained workers; whether or how the contracting process measures whether contract employee services are overpriced or underpriced based on a comparison with the cost of public employee delivery of the same services; whether collateral costs, such as in-state job loss if the jobs are outsourced to another state or country or costshifting to communities or other public programs if the outsourced positions do not provide a living wage or health insurance benefits, are factored into contracting decisions; and any other considerations the committee deems appropriate.

4 Chairperson. Members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, and the state library on or before November 1, 2007.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study the cost, quality, accountability, and oversight standards used by the state when contacting with private entities for delivery of public services.

**HB 733-FN**, relative to certain authority and procedures of the department of revenue administration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela V. Manney for Executive Departments and Administration: This bill was submitted at the request of the department of revenue administration. It seeks to specify under what federal tax code and for what purpose the department of revenue administration is authorized to require submission of a social security number. It specifies at what dollar amount, "more than \$10," the department of revenue must credit an overpayment of taxes. It adds that "unless the taxpayer has requested the refund" the department can disregard the overpayment, "\$10 or less" if the cost to the state to refund would exceed the amount involved. The department states this bill may allow for savings in the processing costs of refunds that may decrease state general fund expenditures by an interminable amount. It also includes some housekeeping details requested by the department of revenue administration. Vote 15-0.

### Amendment (0554h)

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Revenue Administration; Authority to Require Social Security Numbers. Amend RSA 21-J:27-a to read as follows:

21-J:27-a Federal Tax Identification. ***For the purpose of administering any state tax as allowed under 42 U.S.C. section 405***, the commissioner of the department of revenue administration is authorized to require the submission of a social security number, a federal employer identification number, or any other identifying number used in filing or preparing federal tax returns by individuals, businesses, or return preparers.

2 Processing Refunds of \$10 or Less. Amend RSA 21-J:28-a, IV and V to read as follows:

IV. In the case of any refund or credit of ***more than \$10*** for overpayment of taxes administered by the department, the department shall apply the refund or credit as an offset to any liability with respect to any tax administered by the department. The department shall notify the taxpayer in the event of any such offset in tax.

V. In all cases where it appears that a taxpayer has overpaid his ***or her*** tax and the overpayment is ***\$10 or less*** [~~than \$1~~], the department may, in its discretion, disregard the overpayment if the cost to the state to refund the overpayment would exceed the amount involved, ***unless the taxpayer has requested the refund***.

3 New Paragraph; Bankruptcy; Affect on Lien Term. Amend RSA 21-J:28-c by inserting after paragraph IV the following new paragraph:

V. A bankruptcy filing by a taxpayer shall not affect the validity of any lien properly filed or renewed in accordance with this section.

4 New Paragraph; Statute of Limitations on Collections. Amend RSA 21-J:29 by inserting after paragraph III the following new paragraph:

IV. Where the assessment of any tax administered by the department has been made within the applicable period of limitation, such tax may be collected by lien or by a proceeding in court, but only if the lien is made or the proceeding commenced within 12 years of the assessment of the tax.

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill:

I. Authorizes the department of revenue administration to disregard overpayments of taxes of \$10 or less, unless the taxpayer requests a refund.

II. Clarifies the department's authority to require social security numbers.

III. Establishes that a bankruptcy filing by a taxpayer does not affect the validity of a lien properly filed or renewed by the department.

IV. Establishes a 12-year statute of limitations on collection of assessments.

V. Is a request of the department of revenue administration.

**HB 749**, changing the position of forensic toxicologist within the department of safety from an unclassified to a classified position. **OUGHT TO PASS.**

Rep. Pamela V. Manney for Executive Departments and Administration: This bill was requested by the department of safety and seeks to change the position of forensic toxicologist with the department of safety from an unclassified to a classified position. The need to change from the appointed unclassified position to the classified was because the commissioner of safety was having difficulty filling the politically appointed position because candidates for the position had reservations about accepting a job that would be up for renewal every four years, especially if they had to move their family from another state. Vote 13-1.

**HB 758-FN**, establishing a new state defined contribution retirement plan for new state employees and establishing a committee to study the transition of current employees into the new plan and administration of the new plan. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel J. Sullivan for Executive Departments and Administration: This bill would have completely revamped the New Hampshire Retirement System from a defined benefit system to a defined contribution system. It also would have established a committee to study the transition. The effect of this bill would eliminate any further contributions to the current retirement system by the employees, but would then leave the funding needed to satisfy promised benefits only to the employers (state, towns, cities) which could possibly be in the millions that would have to be raised by property taxes. Vote 15-1.

**HB 761-FN**, establishing the licensure and regulation of municipal real estate appraisers. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell C. Day for Executive Departments and Administration: This bill would establish a board of municipal real estate appraisers for regulation and licensure of persons engaged in the practice of appraising real property for property tax purposes. While there has been much discussion of certain property appraisals, especially included the much discussed "view tax", the majority of the committee felt that this bill was not complete enough to fully describe the licensing process, required education, fees assessed and examinations used. Values of property are considered in the purchase price of such property and there exists means of requesting abatements and appeals in contested appraisals of the property. There are credential requirements of the division of revenue administration for those persons who perform municipal real estate appraisals which communities are obligated to abide by. Vote 14-0.

**HB 787-FN**, relative to procedures for and requirements applicable to municipal appraisers for property tax purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would hamper the assessing standards board in its work. The assessing standards board sets the rules, regulations and standards for how appraisers shall function. This bill would put into RSA's requirements that would

require manuals, and contract language that if put into the RSA's cannot be enforced. This bill was introduced because of the so called "view tax." It is the understanding of the committee that appraisers value a property by the value that the property could be sold for. Appraisers are currently required to be certified by the Department of Revenue Administration and the property owner has the ability to contest his re-evaluation to both the appraisers and the town. There is also an appeal process to the tax appeals board that can order a revaluation on an entire town or just one property in that town. Vote 15-0.

**HB 788-FN**, relative to games of chance. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This committee had three bills regarding games of chance (HB 229, HB 788, and HB 922). We combined all three bills into one bill so this bill should be inexpedient to legislate. Vote 15-0.

**HB 821**, establishing a committee to study establishing a permanent Latino affairs commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Hector M. Velez for Executive Departments and Administration: The committee had a very positive outlook and dialogue within the committee regarding the study. The prime sponsor asked the committee to find the bill inexpedient to legislate because it was premature and wished to include other individuals across the state to contribute in the development of a bill that is more representative of diverse populations. Vote 16-0.

**HB 876-FN-L**, relative to eliminating the special account, changing the definition of earnable compensation, and revising the calculation of employee and employer contribution rates and cost-of-living adjustments in the retirement system, and assigning all new employees to group I. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M. McMahon for Executive Departments and Administration: The committee achieved the first step to stabilize the New Hampshire Retirement System with HB 653, as amended, and recommends a second phase as a study commission that will address the remaining issues for the NHRS. Vote 14-0.

**Amendment (0950h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, one of whom shall be from the executive departments and administration committee and one of whom shall be from the finance committee, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) The chairman of the New Hampshire retirement system board of trustees, or designee.

(d) Three representatives of group I of the retirement system, one of whom shall represent the state employee's association, one of whom shall represent the American Federation of Teachers, and one of whom shall represent the New Hampshire Education Association, appointed by the governor.

(e) Three representatives of group II of the retirement system, one of whom shall represent the New Hampshire State Permanent Firemen's Association, one of whom shall represent the Professional Firefighters of New Hampshire, and one of whom shall represent the New Hampshire Patrolman's Association, appointed by the governor.

(f) Three representatives of municipal and school employers in the retirement system, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall:

I. Study the history of funding and benefits in the New Hampshire retirement system.

II. Analyze the current financial status of the retirement system, and the challenges facing the system in the future.

III. Assess the changes to federal accounting standards and their potential effect on the retirement system.

IV. Make recommendations for ensuring the long-term viability of the retirement system.

V. Study other matters deemed necessary by the commission.

VI. Seek technical assistance as necessary from the New Hampshire retirement system and from other independent financial, actuarial, and retirement experts.

4 Chairperson; Meetings. The governor, in consultation with the president of the senate and the speaker of the house of representatives, shall designate a chairperson from among the members. The first meeting of the commission shall be called by the chairperson. The first meeting of the commission shall be held within 45 days of the effective date of this section.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system.

**HB 885-FN**, relative to the deputy commissioner of the department of employment security. **IN-EXPEDIENT TO LEGISLATE.**

Rep. Pamela V. Manney for Executive Departments and Administration: This bill seeks to convert the deputy commissioner position and the three bureau directors (unemployment compensation bureau, employment service bureau and economic and labor market information bureau) from classified to unclassified positions. The department has historically maintained these four senior management positions as classified in order to ensure consistency and continuity in senior management and maintain that these positions would be free from political influence. Historical knowledge of a job and long time experience needed to run an efficient department would be lost should these positions become classified. All testimony heard, save the sponsor, was opposed to the bill. Vote 17-0.

**HB 895-FN**, relative to licensure of court reporters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I. Millham for Executive Departments and Administration: This bill will move court reporters from the jurisdiction of the court system to an independent board under the joint board of licensure and certification. Court reporters are individuals who are skilled at capturing, storing, retrieving and transcribing trial, pre-trial proceedings, speeches, legal proceedings, meetings and other events when written accounts of spoken words are necessary for correspondence, records or legal proof. The courts are now using electronic recorders instead of "court reporters" so no longer want to certify or oversee the practice of court reporters. This legislation authorizes a board under the joint board of licensure and certification for the purpose of licensing court reporters. The name court reporter remains because that is the long established title of the profession. Vote 11-0.

### Amendment (0958h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Court Reporters. Amend RSA 310-A by inserting after section 160 the following new subdivision:

310-A:161 Purpose. The purpose of this subdivision is to set appropriate standards for the proper licensure of court reporters, and to establish and maintain a standard of competency for individuals engaged in the practice of court reporting, to maintain the integrity of the transcription of the spoken word, and to contribute to the protection of the general public thereby.

310-A:162 Definitions. In this subdivision:

I. "Board" means the board of court reporters as created by this subdivision.

II. "Court reporter" means a person who has met the requirements set forth in this subdivision and is licensed to engage in shorthand reporting or voice writing.

III. "Machine writing" means the making of a verbatim record of the spoken word by means of the use of phonetic entries into a stenotype machine.



IV. "Secretary" shall mean the secretary of the board.

V. "Shorthand reporting" means the making by means of written symbols or abbreviations in shorthand or machine writing a verbatim record of the spoken word.

VI. "Voice reporting" means the making of a verbatim record of the spoken word by means of voice writing.

VII. "Voice writing" means the making of a verbatim record of the spoken word by means of an individual repeating the words of the speaker into a device either capable of digital translation into English text, or a device capable of creating a tape or digital recording.

310-A:163 Board.

I. There is hereby established a board of court reporters. The board shall consist of 5 members who shall be citizens of the United States and residents of this state appointed by the governor and council, 3 of whom shall be court reporters, one of whom shall be a public member and one of whom shall be admitted to practice law in the state of New Hampshire. The public member of the board shall be a person who is not, and never was, a member of the court reporting profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of court reporting services or an activity directly related to court reporting, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. Each court reporter member shall have actively practiced court reporting for the chief means of livelihood for at least 10 years prior to appointment and shall have held a responsible position in charge of such work for at least 5 years prior to appointment, which may include the teaching of court reporting. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that, for this purpose only, a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. The governor and council may remove a board member for cause. Members of the board shall receive \$25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this subdivision.

II. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. Three members shall constitute a quorum.

III. The board shall keep a record of its proceedings and a register of all applications for licensure, which shall show:

- (a) The name, age, and residence of each applicant.
- (b) The date of application.
- (c) The place of business of such applicant.
- (d) The applicant's educational and other qualifications.
- (e) Whether or not an examination was required.
- (f) Whether the applicant was rejected and the reasons for such rejection.
- (g) Whether a license was granted.
- (h) The date of the action of the board.
- (i) Such other information as may be deemed necessary by the board.

IV. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced.

V. Biennially, on or before December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board. The secretary of the board shall publish a roster listing the names and places of business of all court reporters licensed under the board during February of each even-numbered year. Copies of this roster shall be mailed to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

310-A:164 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

- I. The application procedure for a license to practice under this subdivision.
- II. The qualifications of applicants in addition to those requirements set by statute, including the qualifications for satisfactory evidence of good professional character.
- III. How an applicant shall be examined, including the time and place of the examination.
- IV. How a license to practice under this subdivision shall be renewed or reinstated, including late fees and any requirements for continuing education.
- V. Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards.
- VI. Matters related to the proper administration of this subdivision.
- VII. Procedures for the conduct of hearings consistent with the requirements of due process.
- VIII. The design of an official seal.

310-A:165 Designation as Certified Court Reporter. Any person holding a valid license as a court reporter as herein provided shall be styled and known as a licensed court reporter. No other person shall assume or use the title "licensed court reporter."

310-A:166 Prohibition of Use of Title. No person may assume or use the title or designation court reporter, licensed court reporter, court recorder, shorthand reporter, licensed shorthand reporter, shorthand court reporter, licensed shorthand court reporter, shorthand court recorder, verbatim reporter, verbatim court reporter, licensed verbatim court reporter, shorthand court recorder, verbatim court recorder, licensed court recorder, court stenographer, verbatim court stenographer, or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is such unless the person holds a valid license as prescribed in this subdivision. A court reporter may use the word "shorthand" in his or her title only if that person is licensed in the shorthand reporting method and a court reporter may use the word "verbatim" in his or her title only if that person is licensed in the voice writing method.

310-A:167 Standards of Practice. Court reporters, who play a role in judicial proceedings and at meetings where the spoken word must be preserved in written transcript, shall demonstrate competence in:

- I. The use of verbatim methods and equipment to capture, store, retrieve, and transcribe pre-trial and trial proceedings or other information.
- II. Create verbatim transcripts of speeches, conversations, legal proceedings, meetings, and other events when written accounts of spoken words are necessary for correspondence, records, or legal proof.
- III. Ensuring a complete, accurate, and secure legal record.
- IV. Working in varieties of settings, such as taking depositions in attorney's offices, documenting proceedings of meetings, conventions, and other private activities, and documenting proceedings taking place in government agencies at all levels from the United States Congress to the state and local government bodies.

310-A:168 License Required. Any person engaging in, offering to engage in, or appearing to engage in court reporting shall hold a valid license issued under this subdivision, designating the method by which the reporter is licensed to practice.

310-A:169 Inactive License Status. Any licensee may surrender his or her license to the board for placement on inactive status. The board shall place the licensee on inactive status only upon application by the licensee. Any licensee on inactive license status may have the license reinstated to active status by demonstrating compliance in the previous biennium with the continuing education requirements adopted by the board and applying to change status from inactive to active and providing evidence of a surety bond as required by RSA 310-A:177.

310-A:170 Requirements for Licensure. The board shall issue a license to any qualified applicant who meets the standards established under this subdivision and who holds one of the following titles:

- I. Registered Professional Reporter (RPR), from the National Court Reporters Association; or
- II. Certified Voice Reporter (CVR), from the National Verbatim Reporters Association.

310-A:171 Qualifications for Applicant for Licensing. The board shall consider any applicant for licensing who has:

- I. Applied for licensing;
- II. Paid the fee required by this subdivision; and

### III. Submitted proof satisfactory to the secretary that he or she:

- (a) Is not less than 18 years of age;
- (b) Is a citizen of the United States or legally able to work;
- (c) Is of good moral character; and
- (d) Has a high school education, or the equivalent thereof, as defined by the department of

education.

310-A:172 Application Fee. There shall be paid to the secretary by each applicant for a license, a fee of \$250 which shall accompany the application.

310-A:173 Individual Seals Required. Every licensed court reporter under this subdivision shall have a seal containing the name of the licensed court reporter, his or her place of business, and the words "Licensed Court Reporter, State of New Hampshire" with which he or she shall stamp all transcripts prepared by him or her or under his or her supervision for use in this state. No licensed court reporter shall affix or permit to be affixed his or her seal to any transcript not prepared by him or her or under his or her supervision, nor shall any such reporter use his or her seal or do any other act as a licensed court reporter unless holding at the time a valid license under this subdivision. Licensed court reporter's seals shall indicate the reporting method utilized as defined in RSA 310-A:162.

310-A:174 Term of License; Renewal. The term of licensure under this chapter shall be every 2 years. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall notify every licensee of the date of the expiration of the license and the amount of the fee that shall be required for its renewal for 2 years, such amount to be not less than \$200. Such notice shall be mailed at least one month in advance of the date of expiration. Renewal may be effected at any time during the month of expiration by the payment of the fee established by the board and submission of evidence satisfactory to the board showing fulfillment of continuing education requirements. If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply for licensure. Renewal fees shall be computed on a pro-rata basis as necessary as determined by the board.

#### 310-A:175 Disciplinary Action.

##### I. The board may undertake disciplinary proceedings:

- (a) Upon his or her own initiative; or

(b) Upon written complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II and which specifies the grounds therefor.

##### II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this subdivision.

(b) The practice of court reporting using a reporting method for which the person is not licensed.

- (c) Conviction of a felony.

(d) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession.

- (e) Unfitness or incompetency by reason of negligent habits or other causes.

(f) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him or her unfit to practice under this subdivision.

- (g) Mental or physical incompetency to practice under this subdivision.

- (h) Willful or repeated violation of the provisions of this subdivision.

(i) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated.

##### III. The board may take disciplinary action in any one or more of the following ways:

- (a) By reprimand.

- (b) By suspension, limitation, or restriction of license for a period of up to 5 years.

- (c) By revocation of license.

(d) By requiring the person to participate in a program of continuing education in the area or areas in which he or she has been found deficient.

(e) By assessing administrative fines in amounts established by the board which shall not exceed \$2,000 per offense, or, in the case of continuing offenses, \$200 for each day up to a total not exceeding \$2,000.

310-A:176 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to the hearing, the board shall serve all parties in a disciplinary proceeding, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to all parties to the proceeding upon their issuance.

310-A:177 Penalties.

I. Any person who shall practice or offer to practice as a licensed court reporter in this state for others without being licensed in accordance with this subdivision shall be guilty of a class A misdemeanor if a natural person, or guilty of a felony if a business organization.

II. Any person who violates any other provision of this subdivision shall be guilty of a class A misdemeanor.

310-A:178 Surety Bond Required. There shall be filed with each original application for licensure a bond in the form of a surety, by a reputable company engaged in the bonding business, authorized to do business in the state, for the penal sum of \$1,000 with one or more sureties, to be approved by the attorney general and conditioned that the applicant conform to and not violate any of the duties, terms, conditions, provisions, or requirements of this subdivision. If any person shall be aggrieved by the misconduct of any such licensee, such person may maintain an action in his or her own name upon the bond of said licensee in any court having jurisdiction of the amount claimed. All such claims shall be assignable, and the assignee shall be entitled to the same upon the bond of such licensee or otherwise, as the person aggrieved would have been entitled to if such claim had not been assigned. Any claim or claims so assigned may be enforced in the name of such assignee. Any remedies given by this chapter shall not be exclusive of any other remedy which would otherwise exist.

310-A:179 Continuing Education Required. Any person holding a license shall be required to be in compliance with the continuing education requirements of the National Court Reporters Association or the National Verbatim Reporters Association depending on their method of court reporting as specified in RSA 310-A:162. Each person shall be responsible for maintaining evidence of his or her continuing education units and shall submit such evidence of continuing education units to the board annually upon renewal of their license.

310-A:180 License Number Required. The board shall issue license numbers and all licensees shall display their license number on any transcripts produced by the licensee and on all business cards and other such information made available to the public or as dictated by the board.

310-A:181 Code of Ethics. The board shall adopt the National Court Reporters Association Code of Ethics as the New Hampshire board of court reporters code of ethics, including all provisions relating to giving, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies, or any other persons or entities associated with the litigation or to the representatives or agents of any of the foregoing except for:

I. Items that do not exceed \$100 in the aggregate per recipient each year; or

II. Pro bono services as defined by the New Hampshire Bar Association.

310-A:182 Limited Notarial Function. Any licensee under this subdivision may be permitted, in the performance of his or her court reporting duties, to place any person under oath without the separate requirement of being designated a notary public, justice of the peace, or commissioner of deeds, as specified in RSA 455.

2 Reference Changes. RSA 326-I:7, IV(f) is repealed and reenacted to read as follows:

(f) Court reporters licensed under RSA 310-A:161 – RSA 310-A:182 while employed as court reporters as defined in RSA 310-A:162, II.

3 Reference to Joint Board. Amend RSA 5:13 to read as follows:

5:13 Commissions and Boards Functioning Within Department. The ballot law commission, the boxing and wrestling commission, the board of accountancy and the joint board of ~~[engineers, architects, land surveyors, and natural scientists]~~ **licensure and certification** shall each function within the department of state as a separate organizational entity and with all the powers and duties as heretofore provided, except as otherwise provided by law.

4 Chapter Heading; Joint Board. The chapter heading preceding RSA 310-A is repealed and reenacted to read as follows:

## JOINT BOARD OF LICENSURE AND CERTIFICATION

5 Joint Board Established. Amend RSA 310-A:1 to read as follows:

310-A:1 Joint Board Established. There shall be a joint board of *licensure and certification* for professional engineers, architects, land surveyors, foresters, professional geologists, natural scientists, [and] landscape architects, *and court reporters* consisting of each of the members of the board of professional engineers, board of architects, state board of licensure for land surveyors, foresters' board, board of professional geologists, the board of natural scientists, [and] the board of landscape architects, *and the board of court reporters*. The joint board shall meet at least quarterly to carry out its duties established under this chapter.

6 Initial License; Fees. For one year following the effective date of this act, the board of court reporters may grant an initial license to any court reporter holding a valid certified court reporter certificate, provided the board determines that the person meets the criteria for applicants for licensure under RSA 310-A:161 - RSA 310-A:182. Applicants shall be responsible for fees as determined by the board.

7 Repeal. The following are repealed:

I. RSA 310-A:97, relative to the joint board chapter title reference.

II. RSA 331-B, relative to court reporting.

8 Effective Date. This act shall take effect July 1, 2007.

## AMENDED ANALYSIS

This bill requires court reporters to be licensed by a board of court reporters and establishes the board of court reporters as part of the joint board of licensure and certification. Currently, court reporters are certified by the chief justice of the superior court.

**HB 922-FN**, relative to licensing for games of chance. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: The committee had three bills regarding games of chance, HB 229, HB 788 and HB 922. We combined all three bills into HB 229 via amendments allowing us to vote inexpedient to legislate on this bill. We did use most of the items in this bill in the final bill. Vote 13-0.

**HB 451-FN**, increasing the state's portion of special education funding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth L. Weyler for Finance: Of our 200,000 students, approximately 30,000 of them have Individual Education Programs (IEP's). This designates them as Special Education (SPED) students. Of the 30,000 SPED students, about 1,500 have very costly programs. The state helps to fund these programs through Catastrophic Aid. The triggers for Catastrophic Aid are 3 and one half times the statewide average pupil cost. That cost for the present school year is \$9,774.53 per student. The 3.5 trigger is then \$34,210.85. Above that trigger, the Catastrophic Aid pays 80% and the district, 20%. The next trigger is at ten times the average pupil cost or \$97,745.30. Above the ten times trigger, Catastrophic Aid pays 100%. The original bill called for changing the two triggers to 3 times and 8 times. The committee held discussions with the Department of Education which disclosed that some districts used only their funds exclusive of state and federal contributions when calculating the triggers. But, others included all funds, even private insurance, in computations. The committee termed this "double-dipping." We amended the original bill to require that every application for Catastrophic Aid must list all payments for that individual student identified as to source, i.e. state, federal, etc. Although this was not the intent of the sponsors, the committee felt that it could not make progress on adjusting Catastrophic Aid until the accounting was more transparent and accurate. This is a necessary step. Vote 23-0.

**Amendment (0830h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the application of non-state sources of funding to catastrophic special education costs.

Amend the bill by replacing all after the enacting clause with the following:

1 Special Education; State Aid. Amend RSA 186-C:18, III to read as follows:

III.(a) The state board of education, through the commissioner[-] *of the* department of education, shall distribute aid available under this paragraph as entitlement to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special

education, *less any pupil-specific aid received by the school district* in the fiscal year, exceed  $3\frac{1}{2}$  times the estimated state average expenditure per pupil for the school year preceding the year of distribution. If in any year, the amount appropriated for distribution as catastrophic special education [186-C-18] aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed for court-ordered placements under RSA 186-C:19-b. The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain educationally disabled children, it shall not receive catastrophic special education aid for those same educationally disabled children. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph.

(b) The school district shall be liable for  $3\frac{1}{2}$  times the estimated state average expenditure per pupil for the school year preceding the year of distribution, plus 20 percent of the additional cost, up to 10 times the estimated state average expenditure per pupil for the school year preceding the year of distribution.

(c) The department of education shall be liable for 80 percent of the cost above the  $3\frac{1}{2}$  times the estimated state average expenditure per pupil for the school year preceding the year of distribution, up to 10 times the estimated state average expenditure per pupil for the school year preceding the year of distribution. The department of education shall be liable for all costs in excess of 10 times the estimated state average expenditure per pupil for the school year preceding the year of distribution.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill provides that pupil-specific aid received by a school district from non-state sources shall be deducted from the total cost of a special education pupil in calculating catastrophic aid payments.

**HB 667-FN-A**, making an appropriation for the purposes of the catastrophic illness program. **INEXPEDIENT TO LEGISLATE.**

Rep. Fran Wendelboe for Finance: This bill made an appropriation of \$400,000 per year for the purpose of the catastrophic illness program. Upon review, the committee saw that this program has been funded in excess of that amount in the past and is in the budget for '08 and '09 already in excess of \$400,000. Therefore, this bill was not necessary. Vote 24-0.

**HB 801**, establishing a committee to study the feasibility of the state assuming responsibility for fully funding special education costs for children receiving special education services in the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda T. Foster for Finance: The committee believes that such a study committee has merit. The committee also knows, however, that we do not have accurate and/or complete information to bring to such a study. The committee has offered an amendment to HB 451-FN which, if passed by the House, will require more accurate reporting of the actual district costs for special education students. Moreover, the committee has passed HB 661-FN, one of the bills that is the result of the work done by the Special Education Task Force, which established an Executive Planning Commission on special education and makes a small appropriation therefore. Vote 23-0.

**HB 824-FN**, establishing a death benefit to be paid to the family of a police officer, firefighter, or highway worker killed in the line of duty. **INEXPEDIENT TO LEGISLATE.**

Rep. Bernard L. Benn for Finance: The bill establishes a \$100,000 death benefit to be paid to the family of a police officer, firefighters, or highway worker killed in the line of duty to be paid through the retirement system. Currently all full time employees are covered by a \$20,000 life policy. The committee heard testimony both in favor and opposed to the bill; some thought the benefit should be limited to only police and firefighters as proposed in SB 169, but others felt the benefit should

be expanded to include not only highway workers but also volunteer firefighters, EMT responders, prison guards, and school teachers. The committee felt that the \$100,000 benefit amount was significant and a more realistic help to a fallen's family than the current \$20,000 benefit. Who should be covered, how much coverage would cost the state, and the best method to fund the benefit are still to be determined. Therefore the committee recommends ITL at this time. Vote 22-0.

**HB 835-FN**, relative to funding the modular building program. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel A. Eaton for Finance: The committee agrees with the bill but would prefer to address the need in HB 1 and HB 2 so that we may accurately budget within the Department of Safety. Vote 22-1.

**HB 434**, relative to fishing in the Connecticut River. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. L'Heureux for Fish and Game: This bill would have clarified the locations in the Connecticut River where persons with Vermont or New Hampshire fishing licenses could legally fish. A subcommittee was formed to research the issues in question. It was the determination of the subcommittee and the full committee concurred that passing this legislation would create more problems than it would solve. The committee was unanimous in its recommendation that this bill be inexpedient to legislate. Vote 14-0.

**HB 134**, relative to electronic prescribing for prescription drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank G. Case for Health, Human Services and Elderly Affairs: This bill will update and modernize the Pharmacy Act. HB 134 is relative to electronic technology and its applications for the delivery of prescription medication for the residents of New Hampshire. This legislation gives the Board of Pharmacy the authority to regulate e-prescribing in New Hampshire. At the prescriber level, e-prescribing will provide a computerized system check for possible interactions and contraindications, so that at the pharmacy, drug interaction and allergic complications will be flagged. This new technology could have a significant reduction in drug and dispensing errors, resulting in fewer hospitalizations and misadventures in the process of drug prescribing and dispensing. As amended, the bill provides heightened privacy protections for patients. Vote 19-0.

**Amendment (0823h)**

Amend RSA 318:47-c as inserted by section 2 of the bill by replacing it with the following:  
318:47-c Prescriptions.

*I.(a) A prescription may be written, oral, or electronically transmitted. All oral prescriptions shall be immediately reduced to writing by the pharmacist or authorized technician receiving the oral prescription and shall indicate at least the name of the patient; the name, strength, and quantity of the drug prescribed; any directions specified by the prescriber; the name of the practitioner prescribing the medication; the date the prescription was ordered; a statement that the prescription was presented orally; and the name of the pharmacist who took the verbal order. The pharmacist who dispensed an original prescription shall indicate on the face of the prescription at least the assigned prescription identification number; the date of dispensing; the quantity actually dispensed; and his or her name or initials. The prescription shall be filed numerically by the assigned identification number for a period not less than 4 years. Such prescription files shall be open to inspection by the pharmacy board and its agents.*

*(b) A patient shall be entitled to receive a paper prescription instead of an oral or electronically transmitted prescription.*

*II.(a) A prescription that is electronically generated by a licensed prescriber, transmitted and received at the pharmacy by computer systems shall contain at least the name of the patient, the name, strength, and quantity of the drug prescribed, any directions specified by the prescriber, the name of the practitioner prescribing the medication, and shall be dated and signed by the prescribing practitioner on the day issued, and such signature shall be in an electronic format as defined in RSA 294-E:2, VIII.*

*(b) Electronic prescribing shall not interfere with a patient's freedom to choose a pharmacy.*

*(c) Electronic prescribing software shall not use any means or permit any other person to use any means, including, but not limited to, advertising, instant messaging, and pop-up ads, to influence or attempt to influence, through economic incentives or otherwise, the prescribing*



*decision of a prescribing practitioner at the point of care. Such means shall not be triggered or in specific response to the input, selection, or act of a prescribing practitioner or his or her agent in prescribing a certain pharmaceutical or directing a patient to a certain pharmacy.*

*(d) Electronic prescribing software may show information regarding a payor's formulary, co-payment, or benefit plan as long as nothing is designed to preclude or make more difficult the act of a prescribing practitioner or patient selecting any particular pharmacy or pharmaceutical.*

*(e) No person transmitting or facilitating the transmission of prescriptions electronically between the licensed practitioner generating the prescription and the pharmacy receiving the prescription, or any intermediary, shall retain the prescription or any information it contains for longer than is mandated by federal law or state statute, or 15 days if no mandate requires a longer period of time, after which time the prescription and the information it contains shall be destroyed. No person shall sell, use, or otherwise make available the prescription and the information it contains for any purpose other than transmission and verification.*

**HB 491**, establishing the public health improvement services council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ruth Z. Bleyler for Health, Human Services and Elderly Affairs: As amended, this bill institutionalizes the public health planning improvement process to assure quality public health services in New Hampshire. The council will monitor the implementation of existing plans and develop a public health improvement plan. A final report will be made by November 1, 2009 with findings and recommendations. Vote 18-0.

#### **Amendment (0887h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a public health improvement services council.

Amend the bill by replacing all after the enacting clause with the following:

##### **1 Statement of Purpose.**

I. The general court finds that the public health functions of community assessment, policy development, and assurance of service delivery are essential elements in achieving the objectives of public health in New Hampshire. The general court further finds that the population-based services provided by state and local health departments and other public health partners are effective strategies to promote the health of New Hampshire residents and to protect them from illness and injury.

II. The general court recognizes that the division of public health services, department of health and human services, coordinates a public health improvement process in conjunction with public health partners throughout the state culminating in a performance improvement plan for the public health system. The general court finds that in order to sustain a public health planning improvement process to assure quality public health services in New Hampshire, it is necessary to institutionalize that process through the development of the public health improvement services council and a required performance improvement planning process. Therefore, the general court hereby establishes a public health improvement services council to improve the New Hampshire public health system's capacity to provide essential services, with the fundamental purpose to improve the public's health.

2 Council Established. There is established a public health improvement services council to monitor the implementation of existing public health improvement plans and to develop a public health improvement plan.

##### **3 Membership and Compensation.**

I. The council shall consist of the following members and, to the extent possible, ensure geographic distribution:

(a) One member of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) The commissioner of health and human services, or designee.

(d) The commissioner of the department of education, or designee.

(e) The commissioner of the department of environmental services, or designee.

(f) Two clinicians with public health experience, one each from the Nashua and Manchester health departments, appointed by the commissioner of health and human services.



(g) Two representatives from the New Hampshire Public Health Network, appointed by the commissioner of health and human services.

(h) A representative from the New Hampshire Public Health Association, appointed by the association.

(i) A New Hampshire health insurer, appointed by the governor.

(j) A physician licensed under RSA 329, appointed by the governor.

(k) A representative from a community health center, appointed by the commissioner of health and human services.

(l) A representative from a philanthropic organization, appointed by the governor.

(m) A nurse licensed under RSA 326-B who is a public health nurse, appointed by the commissioner of health and human services.

(n) A representative of the Community Health Institute, appointed by the institute.

(o) A representative of the New Hampshire Local Government Center, appointed by the center.

(p) A representative of the New Hampshire Hospital Association, appointed by the association.

II. Legislative members of the council shall receive mileage at the legislative rate when attending to the duties of the council.

#### 4 Duties.

##### I. The council shall:

(a) Develop a public health improvement plan which shall be based on the 10 essential public health services and shall recommend priorities and strategies to improve the public health system and health status of New Hampshire residents, taking into consideration national health objectives and systems standards such as the National Public Health Performance Standards, as frameworks for assessment.

(1) The 10 essential public health services are to:

(A) Monitor health status to identify and solve community health problems.

(B) Diagnose and investigate health problems and health hazards in the community.

(C) Inform, educate, and empower people about health issues.

(D) Mobilize community partnerships and action to identify and solve health problems.

(E) Develop policies and plans that support individual and community health efforts.

(F) Enforce laws and regulations that protect health and ensure safety.

(G) Link people to necessary personal health services and provide health care when otherwise unavailable.

(H) Assure a competent public and personal health care workforce.

(I) Evaluate effectiveness, accessibility, and quality of personal and population-based health services.

(J) Research for new insights and innovative solutions to health problems.

(2) The plan shall also take into consideration priorities and strategies developed through previous public health planning processes, related health planning initiatives, and local public health planning. The plan shall focus on prevention as a key strategy for long-term health improvement in New Hampshire. The plan shall contain recommendations on the contributions and strategies of the public and private sectors for improving health status and the public health system in the state. In addition, the plan shall include recommendations regarding priorities and strategies for reducing and eliminating health disparities in New Hampshire; including racial, ethnic, gender, age, socio-economic, and geographic disparities.

(b) Monitor the implementation of existing public health improvement plans.

##### II. The council may establish subcommittees as it deems necessary.

5 Chairperson; Quorum. The members of the council shall elect a chairperson from among the members. The first meeting of the council shall be called by the house member. The first meeting of the council shall be held within 45 days of the effective date of this section. Seven members of the council shall constitute a quorum.

6 Report. The council shall make an interim report on or before January 1, 2008 and a final report on or before November 1, 2009 with its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

7 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a public health improvement services council to establish and monitor the implementation of a public health improvement plan.

**HB 688**, establishing the council on the relationship between public health and the environment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: This council has been in effect as a study committee since 2000. This legislation establishes a statutory council, to be reviewed by the Health and Human Services Oversight Committee every two years. The council has worked on public health concerns such as: restaurant services, school environment and public indoor smoking. The council is made up of a group of very dedicated professionals from Health and Human Services, Department of Environmental Services, Department of Education, Department of Agriculture, N.H. Lung Association and other appropriate government and private agencies. Vote 18-0.

**Amendment (0693h)**

Amend RSA 125-P:1, I as inserted by section 2 of the bill by replacing it with the following:

I. A council, to be known as the council on the relationship between public health and the environment, is hereby created and established. The council shall consist of the following members and, to the extent possible, ensure geographic distribution:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) A licensed physician knowledgeable in occupational and environmental medicine, appointed by the governor.

(d) A representative of the New Hampshire Public Health Association, appointed by such association.

(e) A representative of the New Hampshire Health Officers Association, appointed by such association.

(f) The commissioner of the department of health and human services, or designee.

(g) The commissioner of the department of environmental services, or designee.

(h) The commissioner of the department of insurance, or designee.

(i) The commissioner of the department of agriculture, markets, and food, or designee.

(j) The commissioner of the department of transportation, or designee.

(k) The commissioner of the department of education, or designee.

(l) A representative of the Foundation for Healthy Communities, appointed by the foundation.

(m) A representative of the Jordan Institute, appointed by the Institute.

(n) A representative of the Business and Industry Association of New Hampshire, appointed by the association.

(o) At least one director from a city health department, or designee, appointed by the governor.

(p) Two public health nurses, appointed by the New Hampshire Nurses' Association.

(q) Additional public members not to exceed 7, representing advocacy, academia, philanthropy, and other professional organizations, all appointed by the governor.

Amend RSA 125-P as inserted by section 2 of the bill by inserting after RSA 125-P:3 the following:

125-P:4 Review. The council shall be reviewed by the oversight committee on health and human services, established in RSA 126-A:13, every 2 years after the effective date of this chapter to determine the effectiveness of the council, including the makeup of the council and the scope of its duties.

Amend the bill by replacing section 4 with the following:

4 Oversight Committee on Health and Human Services; Duty Added. Amend RSA 126-A:15, I to read as follows:

I. The committee shall provide legislative oversight of and informational meetings on the programs, policies, and rules of the department of health and human services as brought to its attention by committee members, legislators, department personnel, or others. The committee's work may include, but is not limited to, analyzing the efficacy of selected programs, studying the characteristics of target populations, researching trends affecting program costs and participation, and reviewing alternate approaches to programmatic and administrative concerns. The committee shall monitor the on-going medicaid modernization plan. The committee shall monitor the recom-

mendations of the committee to study the HIV/AIDS service delivery (2005, 47) and determine whether such recommendations have been implemented. ***The committee shall review the council on the relationship between public health and the environment, established in RSA 125-P:1, every 2 years as provided in RSA 125-P:4.*** The committee shall provide informational meetings on such topics to the general court. The committee shall maintain communications with the department of health and human services, and any other departments, as necessary to accomplish its work.

### AMENDED ANALYSIS

This bill establishes the council on the relationship between public health and the environment.

This bill requires the oversight committee on health and human services to review the council every 2 years to determine its effectiveness.

### **HB 727-FN, relative to certain disclosures during the certificate of need process. OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: This bill, as amended, proposes a 13 member commission to study current practices in the construction industry relative to employer provided health insurance. Among topics to be studied are why there has been a decrease in company-sponsored health insurance in the construction sector in New Hampshire and what impediments there might be in current policies that contribute to this situation. The goal is to work with stakeholders to identify the causal reasons and to propose reasonable courses of action to be considered in the future should they be found. Vote 19-0.

### **Amendment (0758h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study health insurance coverage in the construction industry.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study current practices in the construction industry relative to employer-provided health insurance.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) The insurance commissioner, or designee.

(d) The director of the division of charitable trusts, department of justice, or designee.

(e) One member of the health facilities planning and review board, appointed by the board.

(f) A representative of the New Hampshire Local Government Center, appointed by the center.

(g) A representative of the New Hampshire Hospital Association, appointed by the association.

(h) A representative of the New Hampshire Citizens Health Initiative, appointed by such organization.

(i) Two members representing construction contractors, one representing union contractors and one representing non-union contractors, appointed by the speaker of the house of representatives and the president of the senate.

(j) Two members representing construction workers, one representing union workers and one representing non-union workers, appointed by the speaker of the house of representatives and the president of the senate.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties; Methods; Confidentiality.

I.(a) The commission shall study:

(1) Any decreased availability of employer-provided health insurance within the commercial construction sector, as reported by the Centers for Medicare and Medicaid Services, to determine any link between this decrease and the construction procurement policies or practices of public or publicly-funded or regulated entities.

(2) Review applicable ordinances, policies, rules and laws to determine if structural impediments exist.

(3) Whether an unlevel competitive bidding playing field exists within the public or publicly-regulated construction sector in relation to health insurance costs incurred by contractors.

(4) Policy models from other jurisdictions that encourage construction contractors in their efforts to provide worker's health insurance benefits without sacrificing competitiveness.

(5) Health care cost-shifting and uncompensated care issues related to this sector.

(b) In carrying out its duties, the commission shall consider:

(1) Existing procurement policies and procedures.

(2) Health care facility certificate of need policy.

(3) The community benefit requirements of RSA 7:32.

(4) The records or findings of the study committee established by 2005, 132.

(5) The work of the Citizens Health Initiative.

(6) Any other study related to health care access or health care cost-shifting within the state.

II. The commission shall accept testimony at properly-noticed meetings. The commission shall also seek input from the commissioners of the department of transportation, administrative services and other agencies as appropriate and any other person or entity the commission deems relevant to its study.

III. The commission shall strike any identifying data from the contracts and other records it reviews for the purposes of its study.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

5 Report. The commission shall make an interim report with its findings, including an overview of the data, and any proposals for legislation on or before November 1, 2007, and a final report, including a final overview of the data, together with any proposals for legislation on November 3, 2008 to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a commission to study health insurance coverage in the construction industry.

**HB 926-FN**, relative to the regulation of pharmacies and pharmacists. **OUGHT TO PASS.**

Rep. Frank G. Case for Health, Human Services and Elderly Affairs: This bill makes several changes in the Pharmacy Practice Act. As such, it clarifies and updates the statute. The first reclassifies the retailers of medical gases and prescription devices as "Limited Retail Drug Distributors." Change #2 adds the word "certified" to the existing definition of a pharmacy technician. Change #3 is a new definition of "prescription device or legend device." Change #4 increases the pay to board members from \$50 to \$100 per day without increase to the state budget as the Board of Pharmacy is a 125% board. Change #5 adds the word "certified" to the section as applied to pharmacy technicians. This recognizes that "certified pharmacy technicians" have voluntarily achieved advanced training and certification. Change #6 amends the board's rulemaking authority by recognizing the "automated pharmacy systems" dispensing system to dispense unit dose medication as needed by patients in clinics, emergency rooms and nursing homes. Vote 17-0.

**HB 69**, relative to the solemnization of marriages. **INEXPEDIENT TO LEGISLATE.**

Rep. Bette R. Lasky for Judiciary: This bill raises an interesting concept with regard to civil and religious marriage. The committee felt this subject matter and its ramifications needs and deserves more careful study which we are sure will happen in the upcoming session. Vote 16-0.

**HB 82**, relative to communications outside meetings under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C. Mooney for Judiciary: This bill relates to inserting a separate section within the Right to Know Law relative to communications outside of meetings. This is a very important issue with regard to a quorum of members of a public body communicating on matters of public concern. The committee modified the language of HB 82 and incorporated it into the adopted amendment to HB 377. Vote 16-0.

**HB 149**, allowing a purchaser at a mortgage foreclosure sale to terminate a tenancy of the property by a notice to quit. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C. Mooney for Judiciary: The bill adds the term “purchaser at a mortgage foreclosure sale” as defined as “successful bidder.” As such, it authorizes the purchaser to start eviction proceedings before the property closes and title transfers. HB 149 needs considerable work and study before a final form can be appropriately adopted. Vote 17-0.

**HB 212**, relative to possessory actions against tenants. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul L. Hackel for Judiciary: This bill provides the procedure for a lessor, owner or purchaser at a mortgage foreclosure sale to terminate the tenancy or otherwise recover possession of a property. The committee voted Inexpedient to Legislate because tenants not involved in foreclosure sales can be evicted without adequate notice or procedures. Vote 17-0.

**HB 244**, relative to withholding or withdrawing of medically administered nutrition and hydration and hydration and developmentally disabled persons. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J. Shurtleff for Judiciary: This bill, and a companion bill, HB 370 would have made changes to RSA 137-J:10 IV (b). This law regulates the life-sustaining treatment for those with developmental disabilities. The input from the bill’s sponsors, and advocates for those with developmental disabilities, showed this law to be archaic and outdated. The bill was amended to strike this section of RSA 137-J:10 from New Hampshire state law. Vote 17-0.

#### **Amendment (0600h)**

Amend the title of the bill by replacing it with the following:

AN ACT repealing a certain provision of law regarding advance directives and mentally incompetent or developmentally disabled persons.

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 137-J:10, IV(b), relative to withholding or withdrawing of medically administered nutrition and hydration from mentally incompetent or developmentally disabled persons, is repealed.

#### **AMENDED ANALYSIS**

This bill repeals a provision of the law regarding advance directives relating to withholding or withdrawing of medically administered nutrition and hydration or life-sustaining treatments from mentally incompetent or developmentally disabled persons.

**HB 268**, relative to cellular telephone number directories. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Judiciary: The committee heard testimony from the telecommunications industry as well as the Attorney General’s office. The cellular telephone companies have never published a directory of cell phone numbers, nor do they plan to. Furthermore, the subject of this bill and the remedies sought, have been addressed in another bill currently before the House, HB 227. Vote 20-0.

**HB 303**, repealing the restrictions on Sunday dancing and repealing the prohibition on transporting moving picture films aboard passenger train cars. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J. Shurtleff for Judiciary: This bill corrects an antiquated “blue law” that prohibited dancing on Sundays and the transportation of picture films on trains. Vote 17-1.

#### **Amendment (0839h)**

Amend the title of the bill by replacing it with the following:

AN ACT allowing Sunday dancing and repealing the prohibition on transporting moving picture films aboard passenger train cars.

Amend the bill by replacing all after the enacting clause with the following:

1 Sunday Dancing Permitted. Amend RSA 332-D:6 to read as follows:

332-D:6 Sunday Dancing Permitted. Notwithstanding the provisions of RSA 332-D:4, public dancing shall be permitted [after 2 p.m.] on Sundays [in hotels and restaurants licensed under RSA, 178:21, H(a) and (b), and in ballrooms licensed under RSA 178:22, V(c), provided that such dancing shall have the approval of the state liquor commission].

2 Repeal. RSA 158:15, relative to transportation of picture films in the passenger cabin of trains, is repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows dancing on Sunday and repeals the prohibition on transporting moving picture films aboard passenger train cars.

**HB 370**, relative to withholding or withdrawal of life-sustaining treatment. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Judiciary: This bill sought to make a change to RSA 137-J:10, IV (b), which deals with life-sustaining treatment. The issues raised by this bill were addressed by the committee with the passage of HB 244 as amended. With the concurrence of the sponsor of HB 370, the committee voted unanimously to vote this bill Inexpedient to Legislate. Vote 17-0.

**HB 394-FN**, relative to notice to defendants in small claims actions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul L. Hackel for Judiciary: This bill requires first class mail notice to defendants in small claims action. The committee supports the bill since it reduces the cost of certified mail, reduces the labor of verifying return receipt of certified mail and eliminates the inconvenience of receiving certified mail. At the same time, procedures are in place to insure notice is received since if no response in writing is received in 30 days, the court shall direct the plaintiff to complete service on the defendant at the expense of the plaintiff. Vote 19-0.

#### Amendment (0610h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Report Required. On or before July 1, 2009, the administrative judge of the district court shall submit a report on the district courts' experience with the notice requirement under RSA 503:6 as inserted by section 1 of this act to the governor, the speaker of the house of representatives, the senate president, the chairpersons of the house and senate judiciary committees, and the chief justice of the supreme court.

#### AMENDED ANALYSIS

This bill requires first class mail notice to defendants in small claims actions. The bill also requires the administrative judge of the district court to make a report on the district courts' experience with this notice requirement.

**HB 621-FN**, relative to speedy trial time frames. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Judiciary: This bill as presented would have required all persons charged with a crime, except capital murder, be brought to trial within 120 days. It was pointed out to the bill's sponsor that some individuals are not arrested until quite some time after the alleged offense. The sponsor said that his intent was that the 120-day period would not begin until after the defendant's arraignment. The testimony before the committee was that there are currently no unnecessary delays in criminal prosecutions; also, that this bill would have caused a hardship on both prosecutors and defense attorneys. Vote 17-0.

**HB 854-L**, relative to remedies under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C. Mooney for Judiciary: This bill relates to the remedies under the Right to Know law. RSA 91-A:8 already addresses remedies available for violations of the Right to Know law. Further amendments to this section of the current law require careful study and consideration prior to adoption. HB 854 is too premature without tedious and appropriate consideration at this time. Vote 18-0.

**HB 909**, relative to oaths required of public officers. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald R. Buxton for Judiciary: This bill provided for removal from office for violation of an oath of office by governor and council or the General Court. The governor and council cannot remove a member of the General Court or their employees, but the General Court may remove governor and council from office. This bill is in violation of the New Hampshire Constitution. Vote 16-0.

**HB 123**, relative to the time required between mandatory shifts or other work periods. **INEXPEDIENT TO LEGISLATE.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The committee believes that certain occupations that deal with the public safety should have a required time off between shifts. However, this bill requires a ten hour rest period between shifts for all employees regardless of industry or occupation. There was considerable opposition to this bill by many groups in the service and hospitality industry who would be severely burdened by this legislation. There was no indication that there were any serious problems that exist in the workplace that necessitates this legislation. Vote 14-0.

**HB 129**, relative to outsourcing of jobs. **INEXPEDIENT TO LEGISLATE.**

Rep. Jason M. Bedrick for Labor, Industrial and Rehabilitative Services: This bill seeks to exclude companies that have outsourced jobs from New Hampshire to foreign countries from state contracts and economic aid. While well intentioned, the bill contained a number of serious flaws. No provision was made for exceptions when only one company can provide the state with a given service. The requirements on the Labor Department were too burdensome. The fines for non-compliance were unreasonable. One provision might exclude a company with a great number of New Hampshire employees from state contracts while allowing companies with fewer New Hampshire employees that outsourced up to 49 New Hampshire jobs. Vote 14-1.

**HB 336**, requiring notice of the classifications of employee and independent contractor. **OUGHT TO PASS.**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: This bill requires that information regarding classification of workers as employees or independent contractors be posted as part of the "Know Your Rights" notice in every place of employment. Easy public display of the distinct criteria for defining employee and independent contractor eliminates confusion in the work place. Vote 16-0.

**HB 337**, relative to penalties for failure to have workers' compensation coverage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John K. Knowles for Labor, Industrial and Rehabilitative Services: This bill changes the starting date for penalties on employers for not carrying workers' compensation insurance from the date the Labor Commissioner notes the violation to the date the violation actually began (capped at one year). Fines are deposited in a workers' compensation fraud fund, which is established by this bill. A similar change is made to penalties on insurers that do not file timely notice of changes or lapses in workers' compensation coverage. Vote 15-1.

**Amendment (0632h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to penalties for failure to have workers' compensation coverage and continually appropriating a special fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Liability of Employer Failing to Comply; Penalty Assessment Period Changed; Fund Established. RSA 281-A:7, I is repealed and reenacted to read as follows:

I.(a)(1) An employer subject to this chapter who fails without sufficient cause as determined by the commissioner to comply with the provisions of RSA 281-A:5 by not securing payment of compensation shall be assessed a civil penalty of up to \$2,500; in addition, such an employer shall be assessed a civil penalty of \$100 per employee for each day of noncompliance. The penalties shall be assessed from the first day of the infraction not to exceed one year. Notwithstanding any provision of law to the contrary, the chief executive officer, chief financial officer, and the manager of limited liability companies shall be held personally liable for the payment of penalties.

(2) There is hereby established a nonlapsing workers' compensation fraud fund in the office of the state treasurer. All funds collected under this subparagraph shall be deposited in such fund and continually appropriated to the commissioner of labor to be used for investigations and compliance activities required under this subparagraph and related sections pertaining to labor and insurance law.

(b) An insurance carrier which insures an employer and fails to file with the commissioner a notice of coverage within a reasonable period of time as prescribed by rule shall be assessed a civil penalty of \$50 for each day of noncompliance. The commissioner shall deposit all moneys collected under this subparagraph with the state treasurer for deposit into the general fund.

2 Administration Fund; Reference Change. Amend RSA 281-A:59, IV to read as follows:

IV. The civil penalties collected under RSA 281-A:7, **I(b)**, 23, 24, 42, 43, and 53 shall be forwarded to the state treasurer and deposited in the general fund.

3 New Subparagraph; Workers' Compensation Fraud Fund. Amend RSA 6:12, I by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the workers' compensation fraud fund established in RSA 281-A:7, I(a)(2).

4 Effective Date. This act shall take effect 30 days after its passage.

### AMENDED ANALYSIS

This bill:

I. Changes the penalty assessment period for an employer who is in noncompliance with the workers' compensation law.

II. Changes the amount of the civil penalty assessed on an insurance carrier for failure to file notice of coverage.

III. Establishes a special fund into which some of the civil penalties are to be deposited. Referred to the Committee on Ways and Means.

**HB 342-FN**, relative to workers' compensation coverage for certain independent contractors. **INEXPEDIENT TO LEGISLATE.**

Rep. Randolph N. S. Holden for Labor, Industrial and Rehabilitative Services: The intent of this bill was to require some independent contractors to have workers' compensation coverage that covers them specifically. There are other bills in the House and Senate that would address this issue and the sponsor requested the bill be voted Inexpedient to Legislate. Vote 14-0.

**HB 366-FN**, relative to work on Thanksgiving and Christmas Day. **INEXPEDIENT TO LEGISLATE.**

Rep. Sally H. Kelly for Labor, Industrial and Rehabilitative Services: It was agreed that matters such as these are best served by an agreement between employer and employee rather than unnecessary legislation. Vote 15-0.

**HB 533**, relative to Occupational Safety and Health Administration certification requirements for state contracts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This bill as amended requires that any person signing a contract to work on any building or public work project by a state agency, municipality or instrumentality thereof, and costing \$100,000 or more, shall have an OSHA 10 hour construction safety program for their on site employees, and all employees are required to complete the program prior to the beginning of work. Vote 14-1.

### Amendment (0688h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Occupational Safety and Health Administration Certification. Amend RSA 277 by inserting after section 5 the following new section:

277:5-a Occupational Safety and Health Administration Certification.

I. Any person signing a contract to work on a construction, reconstruction, alteration, remodeling, installation, demolition, maintenance, or repair of any public work or building by a state agency, municipality, or instrumentality thereof, and with a total project cost of \$100,000 or more, shall have an Occupational Safety and Health Administration (OSHA) 10-hour construction safety program for their on-site employees. All employees are required to complete the program prior to beginning work. The training program shall utilize an OSHA approved curriculum. Graduates shall receive a card from OSHA certifying the successful completion of the training program. This section shall apply to the construction, reconstruction, alteration, remodeling, installation, demolition, maintenance, or repair of any public work or building paid for in whole or in part with state funds.

II. Any employee required to complete the OSHA 10-hour construction safety program under this section who has not completed the program shall be subject to removal from the worksite if



the employee does not provide documentation of having completed such program by the fifteenth day after the date the employee is found to be in noncompliance. Proof of such documentation provided by the employer shall constitute compliance with this section. The labor commissioner or commissioner's designee shall enforce this section.

III. The labor commissioner shall adopt rules under RSA 541-A relative to implementation and enforcement of this section. The commissioner may also assess a civil penalty of up to \$2,500; in addition, such an employer shall be assessed a civil penalty of \$100 per employee for each day of noncompliance. All funds collected under this section shall be deposited into the workers' compensation safety inspection fund established in RSA 281-A:64, IX. The labor commissioner shall appoint as many individuals as necessary to carry out the department's responsibilities under this section.

IV. The following individuals are exempt from the requirements of the OSHA 10-hour construction safety program:

- (a) Law enforcement officers involved with traffic control or jobsite security.
- (b) Flagging personnel who have completed the training required by the department of transportation.
- (c) All relevant federal, state, and municipal government employees and inspectors.
- (d) All individuals who are not considered to be on the site of work under the federal Davis-Bacon Act, including, but not limited to, construction and non-construction delivery personnel and non-trade personnel.

2 Safety Enhancement Program. Amend RSA 281-A:67, I to read:

I. There is hereby established a safety enhancement program to be administered by the commissioner. Such program shall include regional training and safety seminars open to all interested *employees and* employers.

3 Applicability. This act shall apply to all contracts entered into on or after July 1, 2008.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires bidders on state and local building and public works contracts over \$100,000 to certify that the employees have completed an Occupational Safety and Health Administration construction safety program.

**HB 605**, relative to employment eligibility verification by employers. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Converse for Labor, Industrial and Rehabilitative Services: This bill requires employers to participate in the Basic Verification Pilot Program regarding employment operated by the U.S. Department of Homeland Security. The National Immigration Law Center identified some of the problems with this Pilot Program. While touted as the vehicle to curb unauthorized employment, information on individuals is often wrong. In addition to the weaknesses of the core program, employers could face litigation for discriminatory use of the Basic Pilot Program. Vote 16-0.

**HB 611**, relative to payment of wages by automated pay card. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Randolph N. S. Holden for Labor, Industrial and Rehabilitative Services: The committee felt employees should not have to pay a fee to cash their paychecks. The bill as amended is a compromise among the Attorney General's office, the bank institutions, the Labor Department and the sponsor. Vote 14-0.

#### Amendment (0809h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to payment of wages by automated pay card or cash voucher.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Definitions. Amend RSA 275:42 by inserting after paragraph VII the following new paragraphs:

VIII. "Payroll card" means an access device to access funds from the employee's payroll card account.

IX. "Payroll card account" means an account directly or indirectly established by an employer on behalf of an employee to which electronic fund transfers of the employee's wages, salary, or other employee compensation are made on a recurring basis. A payroll account does not include

a savings account or a demand deposit account at a financial institution and shall conform to the definition in Regulation E (12 CFR 205 et seq, as amended). Disclosures, periodic statements or alternatives to periodic statements; notices; error resolution procedures; and limitations on liability, with respect to payroll cards, shall be in accordance with the federal Electronic Fund Transfer Act (15 U.S.C. section 1693 et seq.) and its implementing regulation, Regulation E (12 CFR 205 et seq, as amended).

2 Weekly. Amend RSA 275:43 to read as follows:

275:43 Weekly.

I. Every employer shall pay all wages due to employees within 8 days including Sunday after expiration of the week in which the work is performed, except when permitted to pay wages less frequently as authorized by the commissioner pursuant to paragraph II, on regular paydays designated in advance by the employer **and at no cost to the employee**:

(a) In lawful money of the United States[;];

(b) By electronic fund transfer at no cost to the employee[;];

(c) By direct deposit with written authorization of the employee to banks of the employee's choice[~~;~~ ~~or~~];

*(d) By a payroll card provided that the employer shall provide to the employee at least one free means to withdraw up to and including the full amount of the employee balance in the employee's payroll card or payroll card account during each pay period at a financial institution convenient to the place of employment. None of the employer's costs associated with a payroll card or payroll card account shall be passed on to the employee;*

*(e) By a cash voucher redeemable only at a cash dispensing machine which does not reduce the face value of the voucher; or*

[~~(f)~~] (f) With checks on [~~banks~~] **a financial institution** convenient to the place of employment where suitable arrangements are made for the cashing of such checks by employees for the full amount of the wages due; provided, however, that if an employer elects to pay employees as specified in subparagraphs (b) [~~or~~], (c), *(d), or (e)*, the employer shall offer employees the option of being paid as specified in *this* subparagraph [~~(f)~~], and further provided that all wages in the nature of health and welfare fund or pension fund contributions required pursuant to a health and welfare fund trust agreement, pension fund trust agreement, collective bargaining agreement, or other agreement[;] adopted for the benefit of employees and agreed to by the employer shall be paid by every such employer within 30 days of the date of demand for such payment, the payment to be made to the administrator or other designated official of the applicable health and welfare or pension trust fund.

**II. If an employer offers its employees the option of receiving wages by a payroll card, the employer shall:**

*(a) Provide to the employee written disclosure in plain language of all the employee's wage payment options. The written disclosure shall state the terms and conditions of the payroll card account option, including, but not limited to, the requirements set forth in this section and a complete itemized list of all known fees that may be deducted from the employee's payroll card account by the employer or card issuer. The disclosure shall also state whether third parties may assess transaction fees in addition to the fees assessed by the employee's payroll card issuer or issuers. In no event shall the employer provide payment of wages to a payroll card that has an expiration date, unless the employer agrees to provide a replacement payroll card before the expiration date at no cost to the employee.*

*(b) Initiate payment of wages to an employee by electronic fund transfer to a payroll card account only after the employee has voluntarily consented in writing to that method of payment. Consent to payment of wages by electronic fund transfer to a payroll card account shall not be a condition of hire or of continued employment. The written consent signed by the employee shall include the terms and conditions of the payroll card account option.*

*(c) Provide written notice of any change to any of the terms and conditions of the payroll card or payroll card account, including but not limited to an itemized list of all fees that may have changed, and obtain written assent from the employee that the employee voluntarily consents to receive wages to a payroll card or payroll card account subject to the changes. The employer shall be responsible for any increase in fees charged to the employee before the employer provides written notice of such changes to the employee.*

*(d) Provide the employee the option to discontinue receipt of wages by a payroll card or payroll card account at any time, without penalty to the employee.*

~~[I-a:]~~ **III.** If a subcontractor who is responsible for making health and welfare fund or pension fund contributions fails to make such contributions within the 30-day requirement of paragraph I, the person designated to receive such contributions shall, within 15 days of the date the contributions became due, notify in writing the labor commissioner that the contributions are overdue. The labor commissioner shall notify the prime or general contractor within 15 days from the date of receipt of such notice that such contributions are overdue. The department of labor may pursue the general or prime contractor for such contributions only after all reasonable efforts have been made to secure the contributions from the subcontractor.

~~[H:]~~ **IV.** The commissioner may, upon written petition showing good and sufficient reason, permit payment of wages less frequently than weekly, except that it shall be at least once each calendar month. In all instances, payment shall be made regularly on a predesignated date. The commissioner may prescribe the terms and conditions of such permission, and limit the duration thereof.

~~[HH:]~~ **V.** Vacation pay, severance pay, personal days, holiday pay, sick pay and payment of employee expenses, when such benefits are a matter of employment practice or policy, or both, shall be considered wages pursuant to RSA 275:42, III, when due.

~~[HV:]~~ **VI.** Nothing in this section shall prevent an employer from compensating an employee on a draw against commission basis as defined in RSA 275:42, VII.

~~[V:]~~ **VII.** This section shall not be construed to preclude the use of compensatory time off as compensation.

(a) This paragraph applies to:

(1) Governmental entities.

(2) Public sector employees who are under a collective bargaining employment agreement or, if not negotiated through a union or other designated employee representatives, that the agreement or understanding must be reached between employer and employee before the performance of any work.

(b)(1) When the employee requests the use of accrued compensatory time, the request shall be honored within a reasonable period of time unless to do so would unduly disrupt the operation of the employing agency. Mere inconvenience to the employer is an insufficient basis for denial of a request for compensatory time off.

(2) The employer shall not have a policy of requiring the use of compensatory time within a certain period or else the employee will lose it.

(3) Upon termination of employment for any reason, an employee shall be paid for unused compensatory time at the final regular rate received by such employee.

(c)(1) Limitations concerning the ceiling of accrual of compensatory time are as follows:

(A) Public safety, emergency response, or seasonal activity employees may accrue no more than 480 hours of compensatory time for 320 actual overtime hours worked. This limitation shall not apply to office personnel or civilian employees who may perform public safety activities on an emergency basis, even if such employees spend substantially all of their time in a particular work week engaged in such activities.

(B) Other public sector employees may accrue no more than 240 hours of compensatory time for 160 hours of actual time worked.

(2) If an employee has accrued more than the applicable ceiling for compensatory time, such employee shall be paid overtime pay at time and one half of the employee's regular rate of pay on the designated pay day.

(d) For the purposes of this paragraph:

(1) "Governmental entity" means any branch, department, commission, bureau, agency, or agent of the government of this state or a political subdivision of this state.

(2) "Public safety activities" includes law enforcement, firefighting, or related duties.

(3) "Emergency response activities" includes dispatching of emergency vehicles and personnel, rescue work and ambulance services.

(4) "Seasonal activity" includes duties performed by employees assigned to work during periods of significantly increased demands on a regular and recurring basis and during this period protected overtime may result in the accumulation of more than 240 compensatory time hours. These periods of short but intense activity shall not qualify as seasonal.

(e) Nothing in this paragraph modifies or affects any federal law regarding compensatory time off including the Fair Labor Standards Act of 1938, 29 USC section 207. The purpose

of this paragraph is to make compensatory time off available as set forth above under New Hampshire law and not to limit already existing rights and protection. An employer shall provide compensatory time off under whichever statutory provision provides greater rights to employees.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill permits an employer to use automated payroll cards or cash vouchers provided the employee can withdraw his or her net pay from a bank or automated teller machine location convenient to the place of employment without any cost.

This bill is a request of the department of labor.

**HB 720**, establishing a council on families and employment. **INEXPEDIENT TO LEGISLATE.** Rep. Jason M. Bedrick for Labor, Industrial and Rehabilitative Services: The issues this bill seeks to address are covered in HB 306 which established a task force on work and family and was passed by the House. Also, there is no sunset provision in this bill and some committee members were concerned that this council would include the commission on the status of women, but not the commission on the status of men. Vote 13-2.

**HB 808**, relative to employees' rights to bring court action against employers. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: The purpose of this bill is to allow employees to bring civil actions against their employers. This is already being done. Employees can seek a redress of grievances from the Labor Department or through the court system. Therefore, the committee felt HB 808 is unnecessary. Vote 15-0.

**HB 817**, relative to the workers' compensation compliance statement. **INEXPEDIENT TO LEGISLATE.**

Rep. John K. Knowles for Labor, Industrial and Rehabilitative Services: The principal sponsor of this bill requested that it be withdrawn and that the committee vote it Inexpedient to Legislate since its intent is similar to Senate Bill 154. Vote 14-1.

**HB 833**, relative to workers employed within the United States in connection with state contracts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: This bill dealt with outsourcing of jobs and the issue of expending funds authorized by the General Court within the United States. The state currently employs Canadian contractors and international financial institutions and the committee felt that the bill should be amended to a study committee so not to adversely affect how the state operates. The study committee will focus on outsourcing state contracts in an effort to keep funds within the country whenever possible without harming the state and its ability to operate. Vote 15-0.

### Amendment (0877h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the outsourcing of jobs involving state contracts.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the outsourcing of jobs involving state contracts.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall:

I. Study the outsourcing of jobs involving state contracts.

II. Solicit input from the departments of transportation, administrative services, fish and game, labor, and environmental services and any other person or entity the committee deems relevant to its study.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study the outsourcing of jobs involving state contracts.

**HB 920**, establishing a worker adjustment and retraining notification requirement. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Ann Knowles for Labor, Industrial and Rehabilitative Services: The principal sponsor of this bill requested that this bill be pulled and that the committee vote it Inexpedient to Legislate, due to insufficient information. Vote 15-0.

**HB 223-FN**, requiring the general court to hold sessions in the evening or on Saturday. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K. Hutchinson for Legislative Administration: Based on the number of legislative session days in 2005, we would have to schedule session every Saturday from January through July. Likewise, if we took our current committee meeting schedule (9am-12pm and 1 pm to 4 pm Tuesday through Thursday), and rescheduled for evening committee meetings, then we would have to schedule committee meetings Monday through Friday from 6pm to 11 pm every week through July. Thus this would not make it any easier for the public to run for legislative office. Vote 10-0.

**HB 523**, relative to lobbyist registration and statements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elizabeth S. Hager for Legislative Administration: This bill as amended clarifies the new ethics/lobbying registration and reporting bill which was enacted last year. It clarifies the language, changes the reporting from monthly to quarterly and removes the need to have each report notarized. The committee worked hard with the Attorney General's Office to make sure the language is clear and enforceable. Vote 10-0.

### Amendment (0806h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to lobbyist registration and statements, and regulation of volunteer public service.

Amend the bill by replacing all after the enacting clause with the following:

1 Lobbyist Registration; Registration Required. RSA 15:1, I is repealed and reenacted to read as follows:

I.(a) The following persons shall register as lobbyists with the secretary of state:

(1) Any person who works as an independent contractor or who provides services for a fee for another to represent the other for the purposes specified in paragraph II including, but not limited to, an attorney, or a legislative or government relations representative;

(2) Any person who is an employee of any other person or employer, and who works in a representative capacity exclusively for the purposes specified in paragraph II; and

(3) Any person who is an employee of any other person or employer, who is employed for purposes in addition to or other than the purposes specified in paragraph II, and who spends more than 200 hours in a calendar year working in a representative capacity for the purposes specified in paragraph II.

(b) Each person described in subparagraphs (a)(1) and (2) shall register prior to engaging in the activities specified in paragraph II. Each person described in subparagraph (a)(3) shall register no later than one week following completion of 200 hours of such work. Each registration shall report the existence of a relationship between a single client and either a single lobbyist or a partnership, firm, or corporation with one or more partners, members, or employees of a firm acting as a lobbyist.

2 Lobbying; Registration Required. Amend RSA 15:1, II(b) to read as follows:

(b) To promote or oppose, directly or indirectly, any action by the governor[;] **or** governor and council[~~, or any state agency, as defined in RSA 15-A:2~~], where such action concerns legislation or contracts pending or proposed before the general court, any pending or proposed administrative rule, or the procurement of goods or services that are being or may be purchased by the state, subject to the exclusions in paragraphs III and IV.

3 Expiration Date. Amend RSA 15:1, IV to read as follows:

IV. All registrations required under this section shall expire on December [±] **31**.

4 New Paragraph; Exclusions From Requirements. Amend RSA 15:1 by inserting after paragraph IV the following new paragraph:

V. The following communications are excluded from the regulation imposed by this chapter and shall not be considered in a determination of whether a person is required to register and report as a lobbyist:

- (a) Public testimony before a legislative committee or sub-committee;
- (b) Public testimony before any entity subject to RSA 91-A, the right-to-know law;
- (c) A written document filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;
- (d) Communication made by a public official acting in the public official's official capacity;
- (e) Communication made by a representative of a media organization if the purpose of the communication is gathering or disseminating news and information to the public;
- (f) Communication made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television, the internet, or other medium of mass communication; and
- (g) Communication made in writing which becomes a public record subject to the provisions of RSA 91-A, the right-to-know law, provided in response to a written request by a legislative or executive branch official.

5 Lobbyist Statements. Amend RSA 15:6 to read as follows:

15:6 Statements.

I. Each lobbyist shall file with the secretary of state itemized statements under oath of:

(a) All fees received from any lobbying client that are related, directly or indirectly, to lobbying, such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work.

(b) All expenditures made from lobbying fees, including by whom paid or to whom charged.

(c) Any ~~[honorarium or]~~ expense reimbursement, as defined in RSA 15-B, or political contribution, as defined in RSA 664, made by the lobbyist in his or her professional ~~[or personal]~~ capacity, on behalf of the lobbyist, the partnership, firm, or corporation or by the lobbyist on behalf of the client or employer ~~[or by a family member of the lobbyist]~~. The statements shall be open to public inspection. ~~[For the purposes of this chapter, "family member" shall mean any person related to and living in the same domicile as the lobbyist, who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.]~~

II. Lobbyists shall file statements no later than the second Friday of each ~~[month]~~ **January, April, July, and October** covering all fees received and expenditures~~;~~ **contributions, honorariums,** or expense reimbursements made ~~[during the previous month,]~~ **since the last required filing,** from fees received at any time from a lobbying client or employer or from funds otherwise provided by the lobbyist, partnership, firm, or corporation, or from the client or employer.

III. In this chapter "value" means the amount at which property or services would change hands between a willing buyer and a willing seller when neither is under any compulsion to buy or sell and both have reasonable knowledge of the relevant facts.

~~[IV. A lobbyist, in his or her professional or personal capacity, or a family member of a lobbyist making a contribution, honorarium, or expense reimbursement, in a form other than cash, check or negotiable instrument, to a person with a duty to report that contribution, honorarium, or expense reimbursement pursuant to RSA 15-B or RSA 664 shall provide the recipient with a written statement of the value of the contribution, honorarium, or expense reimbursement if the value is different than any price or value printed on the contribution, honorarium, or expense reimbursement or if the contribution, honorarium, or expense reimbursement does not have a price affixed to it.]~~

~~[V.]~~ IV. The lobbyist statement shall be in the form prescribed by the secretary of state, may be in paper or electronic form, and shall include at a minimum:

(a) The full name of each lobbyist covered by the report.

(b) The name of the lobbyist partnership, firm, or corporation, if any.

(c) The business address and telephone number for the lobbyist, partnership, firm, or corporation.

(d) For each lobbying client, the full name and business address of the client, the scope of the representation or lobbyist services being paid for, the gross amount of all fees received from that client, not reduced by any expenses, that are related, directly or indirectly, to lobbying, such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work, a statement of the aggregate total of fees received that are related, directly or indirectly, to lobbying services during the calendar year, and a statement of any fee payment due, but not yet paid.

(e) For each ~~[honorary]~~ expense reimbursement made, that is reportable pursuant to RSA 15-B:

(1) The name of the client on whose behalf the expense reimbursement ~~[or honorary]~~ was made, if any.

(2) The name of the person receiving the ~~[honorary]~~ expense reimbursement.

(3) A brief description of the event to which the ~~[honorary]~~ expense reimbursement relates.

(4) The value of the ~~[honorary]~~ expense reimbursement.

(f) ~~[For each political contribution made that is reportable pursuant to RSA 664:~~

~~(1) The name of the candidate;~~

~~(2) The office the candidate is seeking;~~

~~(3) The value of the contribution;~~

~~(4) If the contribution is an in-kind contribution, a brief description of the contribution;~~

~~(g)~~ For all expenditures for salaries, benefits, support staff, and office expenses, related directly or indirectly to lobbying, a statement of the total aggregate expenses for salaries, support staff, and office expenses related directly or indirectly to lobbying shall satisfy the requirement that an itemized statement of these expenses be filed.

~~[(h)]~~ (g) The following statement followed by a line for each person filing the form to sign and date the form: "I have read RSA 15~~[-RSA 15-B, and RSA 664]~~ and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief." ~~[This statement shall be made under oath before a notary public or justice of the peace.]~~

~~[(V)]~~ V. The secretary of state shall maintain the statements required by this section for 6 years from the date of filing, after which time the statements may be destroyed. The public information on the forms shall be available to the public in the form of a photocopy or an electronic record. The secretary of state shall, as soon as is practical, implement an electronic record keeping system that makes lobbyist registration forms and fee and expense reports available to the public through the internet.

6 Gifts; Exclusion From Definition. Amend RSA 15-B:2, V(c)(5) and (6) to read as follows:

(5) Objects *or services* which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.

(6) Money in any form, an object, or an intangible thing *or service* of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or intangible thing *or service* of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.

7 New Subparagraph; Definition of Gift; Exclusion Added. Amend RSA 15-B:2, V(c) by inserting after subparagraph (12) the following new subparagraph:

(13) Information or advice concerning any state law or rule, any legislation pending or proposed before the general court, or any pending or proposed administrative rule.

8 Executive Branch; Code of Ethics; Volunteer Service. RSA 21-G:25 is repealed and reenacted to read as follows:

21-G:25 Ethical Standards for Volunteer Public Service. Volunteers shall not use public service for an executive branch agency, directly or indirectly, and whether for themselves or for their employers or business associates:

I. To obtain economic benefit; or

II. To advance personal or pecuniary interests through non-public communications with executive branch officials for the purpose of influencing the performance of their duties.

9 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill changes the registration requirements for lobbyists and the frequency and content of the statements required to be filed. The bill also repeals the restriction on simultaneous employment and public service.

**HB 715**, combining the state heritage collections committee and the joint legislative historical committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael J. Reuschel for Legislative Administration: The committee feels that studying combining the two current committees would help resolve questions of purview and also would help in establishing and clarifying policies and procedures so that our important historical assets are preserved and protected for future generations. Vote 10-0.

## Amendment (0324h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the state heritage collections committee and the joint legislative historical committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the state heritage collections committee and the joint legislative historical committee.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall review the existing policies and purview of the state heritage collections committee, established in RSA 227-C:18, and the joint legislative historical committee, established in RSA 17-I:1, to determine whether the committees may be combined into one historical heritage committee. The committee shall solicit information and testimony from members of the state heritage collections committee, members of the joint legislative historical committee, and such additional persons and organizations as may be helpful to the committee in the performance of its study.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

6 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a committee to study the possibility of combining the state heritage collections committee and the joint legislative historical committee.

**HB 343**, relative to religious organization property tax exemption requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Butterworth for Municipal and County Government: The relief requested – excusing tax exempt religious organizations from filing the BTLA form 4-9 annually – seemed minor compared to the benefits received from the taxpayers of the state. It also seemed that absence of this report would inoculate the organization from prosecution if the town ever tried to reclaim unpaid taxes through the courts. Vote 14-0.

**HB 379**, relative to the adoption, revision, and amendment of municipal charters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: RSA 49-B covers the charter process for municipalities. Currently the time line and requirements are so complicated that few



municipalities want to get into trying to make a change in their form of government. The committee has been studying the process for at least three years. The amendment removed how the names of the candidates would be placed on the ballot. The bill streamlines the charter process by dividing the chapter into the subdivisions of Adoption of Municipal Charter, Revision of Municipal Charter, Amendment of Municipal Charter and Provisions Applicable to All Charter Actions. The committee believes that this revised statute will enable local municipalities to have clearer guidelines to take them through to another form of government if they so choose. Vote 15-0.

#### **Amendment (0719h)**

Amend RSA 49-B:3, V as inserted by section 1 of the bill by replacing it with the following:

V. Immediately after the foregoing question, the names of the candidates for the charter commission shall be presented in accordance with RSA 49-B:4, I, together with a statement in substance as follows:

"If a majority of voters answer 'yes' to the preceding question, a charter commission shall be elected from among the following candidates. Regardless of how you voted on the preceding question, you should vote for candidates for the commission. Vote for not more than 9 candidates."

Amend RSA 49-B:4, I as inserted by section 1 of the bill by replacing it with the following:

I. The charter commission shall consist of 9 members, all of whom shall be registered voters of the municipality. Members shall be elected at the municipal or biennial state election described in RSA 49-B:3, III in the same manner as the municipal officers except that they shall be elected at large and without party designation. Declarations of candidacy for the commission shall be filed in the manner and during the period specified in RSA 669:19.

#### **HB 380**, relative to the forms of government under town charters. **OUGHT TO PASS.**

Rep. Betsey L. Patten for Municipal and County Government: Currently most towns in New Hampshire are governed by the general laws of the state relating to town government which gives statutory power and duties to the town meeting and board of selectmen. There is also an option for towns to adopt a charter which establishes a different form of government. However, there has been a requirement in the statutes that a charter HAS to provide for the appointment of a town manager. This bill gives the towns the option of appointing a town manager, appointing a town administrator or not appointing any such officer at all. Also the existing titles of the five optional forms of government are somewhat confusing and will be clarified by HB 380. The governing bodies are clearly identified for each of the forms of government – Town council, Official ballot-town council, Town meeting-town council, Official ballot-town meeting and Representative town meeting. The committee voted to pass HB 380 since it is an important step forward for municipalities that are interested in adopting a charter form of government. Vote 16-0.

#### **HB 393**, relative to information filed by utilities paying the utility property tax. **OUGHT TO PASS.**

Rep. Betsey L. Patten for Municipal and County Government: Currently June 1 is the date by which all utilities have to file a list of changes made to the property since the prior April 1. The testimony from the Department of Revenue Administration states the current time lines are not adequate and there is not enough information to develop adequate basis for setting the utility property tax using the income approach for assessing. Currently there is no penalty for NOT filing any changes. In order to have enough time and information this bill was introduced to remedy the situation by changing the date to May 1 and requiring operating expenses, original cost and depreciation values by the utilities. An extension of time is allowed if requested and there is adequate justification. However it may not exceed 30 days per request and not more than two extensions in a given tax year are to be granted. Section 2 of HB 393 adds a penalty for failure to file of one percent of the property tax. Also if there will be a change of ownership the current taxpayer is required to notify the department with the details. The committee feels that utility property owners need to file adequate information so that the assessments at the local level are documented and transparent. Vote 14-0.

#### **HB 423**, allowing municipalities to adopt a business incentive property tax credit. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F. Moore for Municipal and County Government: This legislation does not have a requirement of a public benefit to qualify for the property tax credit. Other legislation (HB 692) reported by this committee as OTPA, will address similar needs with clear language and addresses public benefit. Vote 14-0.

**HB 462**, relative to site plan review of agricultural operations. **INEXPEDIENT TO LEGISLATE.** Rep. Anthony F. Simon for Municipal and County Government: This bill would prevent agriculture from "being limited by other governmental agencies or political bodies." It would also effectively exempt agricultural operations from site plan review by a local planning board. The committee believes that the effect of these provisions is to improperly deny municipalities the authority to regulate an agricultural operation that could have a significant impact on a community. This destroys the careful balance that currently exists in state law that is designed to preserve and encourage agriculture in appropriate locations throughout the state. Vote 17-0.

**HB 551**, allowing cities to use capital reserve funds for debt replacement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry Brown for Municipal and County Government: This bill, as amended, had the unanimous support of the committee which recognized both the variety and complexity of funding sources, the particular specifications of the terms of repayment, and the need to conform to IRS rules. It properly restricts funding to a specific program and promotes transparency in expenditure and audit. No dangers were seen for smaller municipalities and the practical needs of cities were enhanced. Vote 16-0.

#### Amendment (0556h)

Amend the bill by replacing all after the enacting clause with the following:

1 Municipalities; Establishment of Reserves. Amend RSA 34:1, V-VI to read as follows:

V. The acquisition of a tax map of such city; [or]

VI. Municipal and regional transportation improvement projects including engineering, right-of-way acquisition and construction costs of transportation facilities, and for operating and capital costs for public transportation[-]; or

**VII. *The repayment of bonded debt issued for the purpose specified in the fund, in conformance with existing Internal Revenue Service rules.***

2 Municipalities; Expenditures of Reserve. Amend RSA 34:10 to read as follows:

34:10 Expenditures.

I. The trustees of trust funds holding said capital reserve funds in trust, as hereinbefore provided, shall hold the same until such time as the city councils shall name agents of the city to carry out the objects designated by the city councils as prescribed by RSA 34:2. Expenditures from said capital reserve funds shall be made only for or in connection with the purposes for which said fund was established, or as amended as provided by RSA 34:11.

**II. *Notwithstanding the prohibition of debt retirement fund establishment in RSA 33:2, capital reserve funds may be used for multiple payments of lease purchase agreements for the purpose stated for the capital reserve provided the lease purchase agreement does not contain an "escape clause" or a "non-appropriation clause."***

**III. *Notwithstanding the prohibition of debt retirement fund establishment in RSA 33:2, capital reserve funds may be used to make multiple payments under a financing agreement for the purpose for which the capital reserve was established.***

3 New Paragraph; Municipalities; Expenditure of Reserve. Amend RSA 35:15 by inserting after paragraph III the following new paragraph:

III-a.(a) Notwithstanding the prohibition of debt retirement fund establishment in RSA 33:2, capital reserve funds may be used to make multiple payments under a financing agreement for the purpose stated for the capital reserve.

(b) If agents have been named according to RSA 35:15, then no further vote is required to disburse funds.

4 Effective Date. This act shall take effect 60 days after its passage.

**HB 566-FN-L**, relative to the housing of inmates in county correctional facilities. **OUGHT TO PASS.**

Rep. Betsey L. Patten for Municipal and County Government: Currently there is a requirement that each county have suitable correctional facilities as stated in RSA 23:3. HB 566 makes this requirement an option that will assist the counties in the housing of their inmates. The sponsor of this bill has concerns that his county does not have suitable facilities for female prisoners and there are legal opinions that may put the counties at risk. Currently the Commissioner of the Department of Corrections can enter into contracts with the counties, the governments of other states, and the

federal government and appropriate private agencies or facilities as outlined in RSA 21-H:8, VI. HB 566 allows a county to contract with the state or another county for reception and confinement of prisoners committed to or who are ordered to be detained at a county correctional facility. This bill also removes the requirement of placing the offender in the county facility where the offense was committed and charges the county in which the offense was committed. The committee believes that these changes will open up interesting options for the county correctional facilities. Vote 14-0.

**HB 616-FN-L**, exempting certain persons age 65 and older from 25 percent of the state and local education portion of property taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: It was the unanimous opinion of the committee that it was unwise to establish a de-facto user fee system for public education, to set major groups in opposition to each other on what should be a settled issue of cherished common good. There also seemed to be insufficient consideration of demographic trends which may effect the economic vitality of the state or of the resources which the "any person who is age 65 or older" may have on how many persons over 65 may be counted per a primary residence. Vote 16-0.

**HB 646-FN-L**, establishing a fee for copies of police and fire reports. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony F. Simon for Municipal and County Government: This bill would establish a uniform statewide fee schedule for obtaining copies of "police or fire agency reports." The committee feels that current law on this subject is reasonable, clear and explicit, that this is manifestly a local control issue and that any concerns or complaints about overcharges for such reports should be directed to the municipality involved. Vote 16-1.

**HB 649**, relative to the disposition of real estate given, devised, or bequeathed to a town for charitable or community purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andy Peterson for Municipal and County Government: The bill, as amended allows for greater public input prior to the court process which is required in order for a community to sell or change the use of real estate given, devised or bequeathed to a town. The amendment placed the language of the bill in a more appropriate section of the RSA's and renewed the requirement for a town vote, as advised by the Attorney General's office. Vote 16-0.

#### **Amendment (0835h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Cy Pres Doctrine. Amend RSA 498:4-a to read as follows:

498:4-a Cy Pres Doctrine.

**I.** If property is or has been given in trust to be applied to a charitable purpose, and said purpose or its application is or becomes impossible or impracticable or illegal or obsolete or ineffective or prejudicial to the public interest to carry out, the trust will not fail. Upon petition by the trustee or trustees or the attorney general, the superior court may direct the application of the property to some charitable purpose which is useful to the community, and which charitable purpose fulfills as nearly as possible the general charitable intent of the settlor or testator. In applying the doctrine of cy pres, the court may order the distribution of the trust assets to another charitable trust or to a charitable corporation to be held and administered by it in accordance with the terms of the governing instrument as said terms may be modified by the application of cy pres under this section and RSA 498:4-b.

**II. Prior to any court proceeding on the intent to offer for sale or change the use of any land, buildings, or both, given, devised, or bequeathed to the town for charitable or community purposes, the municipality shall hold 2 public hearings at least 14 days apart.**

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill requires a municipality to hold public hearings prior to any court proceeding concerning the disposition of land given to the town for charitable purposes.

**HB 680**, allowing municipalities to determine the hours for the Saturday session for correction of the checklist. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph A. Guthrie for Municipal and County Government: This bill would allow the supervisors of the checklist to hold the session that is required on the Saturday 10 days prior to election day at hours that would be determined by the governing body. The supervisors of the check list can presently hold any session as they determine. This legislation was not considered to be necessary. Vote 13-0.

**HB 691**, excluding the value of a view from property tax assessments on working farms. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: Property in New Hampshire is assessed at fair market value. The statutes and court rulings have defined fair market value as "the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor." HB 691 takes one factor, view on working farms, out of the assessed town valuation. The intent was to protect our New Hampshire farmers from being taxed off their land. The Assessing Standards Board, the Current Use Board and the committee are trying to resolve this issue. HB 294 has been retained in order to work with all the stakeholders to find a solution. The ideas and definitions in HB 691 will be forwarded to both boards and will be taken up during the summer and fall as a subcommittee looks at all factors influencing fair market value. The committee noted that this issue needs to be studied and resolved. Vote 19-0.

**HB 692**, allowing municipalities to adopt a property tax exemption for industrial construction. **UGHT TO PASS WITH AMENDMENT.**

Rep. Anthony F. Simon for Municipal and County Government: This bill would re-establish a limited industrial construction exemption from property taxation to assist the economically depressed counties and municipalities within those counties in our state. Participation in this program is a local option, that to be implemented in any community, must first be approved by the voters. Vote 16-0.

**Amendment (0816h)**

Amend the title of the bill by replacing it with the following:

AN ACT allowing certain municipalities in economically depressed counties to adopt a property tax exemption for industrial construction.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. It is the purpose of this act to foster the economic development of economically depressed counties by enabling eligible, economically depressed municipalities to encourage new construction, rehabilitation, and improvement of property industrial use through the adoption of tax exemptions. It is the further purpose of this act to ensure that, once adopted, such exemptions shall be administered uniformly within the taxing districts so as to avoid the risk of unconstitutional ad hoc or discriminatory tax benefits.

2 New Subdivision; Industrial Construction Exemption. Amend RSA 72 by inserting after section 74 the following new subdivision:

Industrial Construction Exemption

72:75 Definitions. In this subdivision:

I. "Economically depressed county" shall mean any county of the state which meets the following 3 criteria as established by the director of the office of energy and planning:

(a) Is within the lowest 30 percent of counties based on equalized taxable valuation per person for the most recent year available prior to the vote taken to adopt the provisions of this subdivision;

(b) Is within the highest 30 percent of counties based on unemployment rate for the average of the 3 most recent years available prior to the vote taken to adopt the provisions of this subdivision; and

(c) Is within the lowest 30 percent of counties based on population growth for the most recent 5-year period available prior to the vote taken to adopt the provisions of this subdivision.

II. "Eligible municipality" shall mean any city or town located in an economically depressed county and which meets 2 of the following 3 criteria as established by the director of the office of energy and planning:

(a) Is within the lowest 30 percent of municipalities based on equalized taxable valuation per person for the most recent year available prior to the vote taken to adopt the provisions of this subdivision;

(b) Is within the highest 30 percent of municipalities based on unemployment rate for the average of the 3 most recent years available prior to the vote taken to adopt the provisions of this subdivision; and

(c) Is within the lowest 30 percent of municipalities based on population growth for the most recent 5-year period available prior to the vote taken to adopt the provisions of this subdivision.

II. "Industrial uses" shall include all manufacturing, production, assembling, warehousing or processing of goods or materials for sale or distribution, research and development activities,

or processing of waste materials. A town or city adopting a tax exemption under this subdivision may adopt by reference an alternative or additional definition of industrial uses as may be contained in that town or city's zoning ordinance.

**72:76 Property Tax Exemption for Industrial Construction.**

I. A town or city may adopt, modify, or rescind a new construction property tax exemption for industrial uses, according to the procedures in RSA 72:27-a. A vote adopting the exemption under this section shall remain in effect for at least 2 tax years. For subsequent years it may be rescinded or modified in the same manner as specified for adoption; provided, however, that for any application which has already been granted prior to such rescission or modification, the exemption shall continue to apply at the rate and for the duration in effect at the time it was granted.

II. Procedures for application, decision, and appeal shall be governed by RSA 72:33, RSA 72:34, and RSA 72:34-a. The commissioner of revenue administration may adopt rules pursuant to RSA 541-A for the interpretation, construction, and uniform observance and enforcement of the industrial construction exemption.

III. The exemption shall apply only for local municipal and local school property taxes assessed by the municipality which shall exclude state education property taxes under RSA 76:3 and county taxes assessed against the municipality under RSA 29:11 and shall be a specified percentage on an annual basis of the increase in assessed value attributable to construction of new structures, and additions, renovations, or improvements to existing structures. The exemption may run for a maximum period of 10 years following the new construction; provided, however, that the exemption for all years shall cumulatively not exceed 500 percent of the increased assessed value. Once adopted by the local legislative body, the percentage rate and duration of the exemption shall be granted uniformly within that municipality to all new construction for which a proper application is filed.

IV. The exemption shall specify the percentage of new assessed value to be exempted, the number of years duration of the exemption following new construction, and a reference to zoning use category definitions, if applicable. The exemption shall take effect in the tax year beginning April 1 following its adoption.

V.(a) An owner may apply for the exemption prior to construction, but in no case more than 12 months before the beginning of the tax year for which the exemption is sought. In such cases the selectmen or assessors may anticipatorily grant the exemption, subject to adjustment when the actual increase in assessed value becomes known. If construction is partially complete on April 1 of any year, the exemption for that year shall be based on the increased assessed value attributable to the partial construction, but the duration of the exemption shall be adjusted such that the cumulative amount of exemptions received, based on the construction as completed, is proportional to that received by other eligible properties.

(b) The selectmen or assessors may request such additional or updated information as is necessary to determine eligibility. If they are satisfied that the applicant has willfully made any false statement, or has refused to provide information after such a request, they may refuse to grant the exemption.

(c) If the municipality completes a revaluation during the period for which an exemption has been granted, the amount of the exemption shall be adjusted by the difference in equalization ratios applicable in the municipality before and after the revaluation.

**72:77 Eligibility Criteria.** The office of energy and planning established in RSA 4-C shall determine and make available the information necessary for the eligibility criteria in RSA 72:75.

**3 Effective Date.** This act shall take effect July 1, 2007.

### AMENDED ANALYSIS

This bill allows certain municipalities in economically depressed counties to adopt a new construction property tax exemption for industrial uses.

**HB 706**, relative to requirements for highway agents. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Butterworth for Municipal and County Government: While the committee agrees that training is important for highway agents, we believe that the essence of American democracy is that all our citizens can run for any office, with only limited restrictions on age and residency. When presidents, governors, US and state legislators, even honorable NH Representatives can run for office without education or training, it seems undemocratic to set up requirements that might discourage any child from dreaming to grow up to be a highway agent. Vote 15-0.

**HB 709**, making various changes to department of revenue administration authority concerning property tax administration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph A. Guthrie for Municipal and County Government: At the request of the department of revenue administration this bill clarifies the rulemaking authority of the Commissioner on certain property tax and revaluation matters. The bill also removes the penalty of \$100.00 per day for each late filing of municipal reports due the department of revenue. Vote 14-0.

**Amendment (0732h)**

Amend RSA 21-J:34, I as inserted by section 2 of the bill by replacing it with the following:

I. A report filed by the governing body of each city, town, or unincorporated place, shall certify the number of residents and total valuation of each class of property included in the inventory of residents and ratable estates. This report shall be filed by September 1 of each year, unless this filing date is extended by the commissioner for just cause. ~~[Municipalities which fail to timely file the report required by this paragraph due to willful neglect or intentional disregard of laws or rules and not reasonable cause shall pay a penalty to the state in the amount of \$100 for each day that the report is not timely filed. Within 30 days after the imposition of the penalty by the commissioner, officials of the city, town, or unincorporated place upon which the penalty was imposed may appeal by written application to the board of tax and land appeals or the superior court in the county in which the city, town, or unincorporated place is located. The board of tax and land appeals or the superior court, as the case may be, shall determine de novo the correctness of the commissioner's actions].~~

Amend RSA 72:36, I as inserted by section 5 of the bill by replacing it with the following:

I. The commissioner's interpretation of RSA 72:28, 72:29, 72:29-a, 72:30, 72:31, 72:32, 72:33, ~~[72:33-a,~~ 72:34, 72:34-a, 72:35, ~~and]~~ 72:36-a, 72:37, 72:37-a, 72:37-b, 72:38-a, 72:38-b, 72:39-a, 72:39-b, 72:41, 72:62, 72:66, and 72:70; and

**HB 724**, allowing municipalities to require the provision of income and expense information of business property to assessing officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: In order to have enough information to complete or evaluate the market value of commercial or industrial property the assessors need to know information from the property owners. HB 724 is asking for "income and expense" information to be provided upon request to the assessors, the board of tax and land appeals or the courts. The committee realized that the information requested as written may cause concern and anxiety with business owners because it looks like income and expense from their own private businesses. Another bill, HB 73, has been retained to work on this issue and the information in HB 724 will be addressed during the summer and fall. The committee will be asking the help of the Assessing Standards Board for its input during their study. Vote 12-0.

**HB 732-FN**, changing the interest rate on late and delinquent property tax payments and subsequent tax payments. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Butterworth for Municipal and County Government: The committee determined that this bill would impose too burdensome a requirement on town clerks who might have to make the adjustments eight times a year. It was also considered that the interest rate for delinquent taxes must remain well above the IRS rate so businesses and others don't choose to pay other creditors first. Vote 12-0.

**HB 736**, relative to administrative enforcement of certain violations of municipal ordinances. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: It was the bipartisan conclusion of the committee that the discretion of the selectmen is a necessary and sometimes awkward responsibility in respect to violations which may be unaware or obdurate. Rote strictures dilute the community's proper respect and support for zoning. Administrative enforcement and fine begins in guilt. Overall it is better to prove guilt after due process. Vote 12-2.

**HB 741**, relative to the zoning requirement for child day care providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: Currently, permits for child care program licensing require compliance with local land use and safety codes. HB 741 removes "family day care homes" and "family group day care homes" from compliance with the local codes.

Six children and up to three more children under the age of 10 years constitute a family day care home and 7 to 12 children and up to and additional five children under the age of 10 years constitute a group day care home. The committee feels that it is imperative that local municipalities still have the oversight and approval for these child care facilities since it becomes a local transportation and safety matter. Vote 14-0.

**HB 742**, relative to the issuance of building permits on class VI roads. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: Building or not building on a Class VI highway has been the prerogative of the local governing body. Currently there is a process where the governing body may grant a building permit as long as the applicant knows that the municipality neither assumes responsibility for maintenance of the Class VI highway nor liability for any damages resulting from the use thereof and the applicant records that document in the Registry of Deeds. HB 742 would add another layer of approval in order for a permit for a non-commercial, seasonal or recreational use building to be issued by requiring the legislative body at a special or annual town meeting to approve the policy. The bill does not include any appeal process for applicants. Also there will be a negative effect on existing lots on Class VI highways that may be construed as a "taking" by the municipality if approval is not granted. The committee knows that RSA 674:41 "Class VI Roads; Building Permits" is a well balanced statute that does not need to be amended. Vote 14-0.

**HB 747**, relative to the special meeting requirements for municipalities. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Elliott for Municipal and County Government: The committee felt this legislation was unnecessary because under current statute (RSA 31:5 and RSA 41:14-a) the selectmen are required to first submit a proposed acquisition of or sale of any municipal land to the Planning Board before requesting a special meeting. The bill is a duplication of already existing statutes. Vote 13-0.

**HB 769-FN**, relative to determination of town's shares of county taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F. Moore for Municipal and County Government: This bill would modify apportionment of county costs to municipalities by adding a population factor to the existing equalized property value calculation. A municipality's share of county costs could not exceed its proportion of county population by more than 2%. The committee's recommendation of ITL is based on the failure of the bill to address how any shortfall in county cost allocations would be assessed and no willingness to add a population statistic (and the costs associated with ensuring its accuracy) to our tax apportionment calculations. Issues concerning county government are now being studied by a county government task force. Its report is expected to address not only the functions of counties but also recommendations on the fairness of cost sharing. Vote 13-0.

**HB 770**, requiring certain information in the financial reports of counties. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: This bill, as presented, requires a break out of information and a format of presentation which the committee could not tie to any failure of process significant on a statewide basis. The committee does support clarity and accountability in municipal spending and governance. There is a task force to study county government (SB 319, Chapter 221:1; laws of 2006) that is studying county governance. The committee would like this issue and file be given to that task force. Vote 13-0.

**HB 785-FN**, relative to user charges for excessive consumption of police and nuisance enforcement services. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Watson for Municipal and County Government: This bill would establish user charges for "excessive consumption" of police and nuisance enforcement services. The majority believes that the issues this bill attempts to resolve can best be addressed as they are now by the enforcement of municipal ordinances. Furthermore, the bill is ambiguous and could open the door to unintended consequences. Vote 13-1.

**HB 798**, allowing municipalities to adopt a property tax freeze for persons aged 65 and older. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: This bill like several the committee considered this session on tax relief is a bill of good will and seeks to protect the over age 65



residential home owner from the ravages of rising property taxes by setting an at age 65 freeze on the assessed value of their residence. However it is not means tested and requires additional and varied calculations of state and county taxes due and will have an unknown cost shifting burden on those outside the benefited group. On that basis the entire committee agreed that it was inexpedient to legislate. Vote 13-0.

**HB 803**, relative to the sale of tax-deeded property. **OUGHT TO PASS WITH AMENDMENT.** Rep. Betsey L. Patten for Municipal and County Government: Currently the municipality has a process for distributing proceeds from the sale of tax-deeded property. After three years of not paying taxes to the municipality, the property owner has three years to pay taxes before the property is deeded to the town and has a first option for the next three years to repurchase the property. That is a total of six years. HB 803 is a result of a subcommittee working group with the committee, tax collectors and other municipal officers. The requirement for notice has been changed from a range 120 days to 90 days to at least 90 days prior to the offering for sale. "Offering for sale" has been defined as the authorization by the municipality's governing body to its designee to sell the property. The committee agrees with the tax collectors that these changes will make the sale of tax-deeded property more efficient. Vote 14-0.

#### **Amendment (0820h)**

Amend the bill by replacing section 3 with the following:

3 Termination of Right. Amend RSA 80:89, VII and VIII to read as follows:

VII. ~~[For purposes of this section, the date of sale or conveyance of the property shall mean the date the municipality enters into a binding contract to convey the property to a third party buyer, whether or not such contract is subject to any contingencies.~~

~~VIII.]~~ The duty of the municipality to notify former owners and to distribute proceeds pursuant to RSA 80:88, and the former owners' right of repurchase under ~~[RSA 80:89;]~~ **this section** shall terminate 3 years after the date of recording of the deed.

**HB 804**, excluding the value of a view from property tax assessments. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: This committee has dealt with half a dozen or so bills on the issue of equitable property taxation and has carefully considered the impact of rising property taxes on several affected groups. In every case the committee has supported clarity in description, transparency in assessment procedures and full fair market valuations. Verbal blinders have no effect on what a willing buyer sees. This bill unreasonable seeks to skew and dilute the established standard of fair market value on which the property tax rests. The committee by a wide bi-partisan majority does not support this bill. Vote 11-1.

**HB 829**, establishing authority for a state property tax bank administered by the housing finance authority and requiring the housing finance authority board to develop a proposal and report to the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L. Osborne for Municipal and County Government: The committee felt that HB 829 had many technical problems including possible financial security problems with the financing sources. The agency chosen to administer the program, the New Hampshire Housing Authority, did not want to be involved with the bill, saying that they had significant concerns with the legislation and federal issues. Vote 14-0.

**HB 892-FN**, relative to bonding for subdivisions and condominium projects. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Watson for Municipal and County Government: This bill would place restrictions on when a municipality may require a developer to secure a bond in order to guarantee that certain required improvements are completed. It also mandates how the bonds will be administered, such as when a bond must be reduced for partial work completion. Although the intent of the bill may be constructive, the language is ambiguous and confusing. It could make it more difficult for our cities and towns to ensure that developers follow through on the improvements that they have promised to complete as part of a development. Vote 14-0.

**HB 896-FN-L**, relative to authority to waive interest on late paid property tax bills. **INEXPEDIENT TO LEGISLATE.**



Rep. Laurie J. Boyce for Municipal and County Government: This bill is totally local control and should be left to that. The selectmen already have the power to waive interest for those that need it. Vote 13-0.

**HB 224**, expanding the restriction on advertising devices to include all state highways. **INEXPEDIENT TO LEGISLATE.**

Rep. Edmond D. Gionet for Public Works and Highways: The committee considered the testimony given by DOT, whereas, they already have the authority to remove signs within the highway right-of-way that constitute a hazard. There is no reason to pursue this bill. Vote 15-0.

**HB 516**, authorizing the Mount Washington Chamber of Commerce to erect a sign on Interstate 95 in Portsmouth. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin K. Waterhouse for Public Works and Highways: While the committee appreciates the Mt. Washington Valley's Chamber of Commerce and its desire to use a state highway directional sign to make the traveling public aware of it, the words "Mt. Washington Valley" would replace the words "White Mountain Region." This change would unfortunately draw the public's attention to only one part of the White Mountains to the detriment of the other five communities of the region. The committee is concerned that this sign could signal a change in policy that would encourage other chambers of commerce to request erection of more signs within the right-of-way. Additionally, the Commissioner of DOT testified that too many signs create chaos. As a safety issue more signs create a distraction to the motorist and should be kept to a minimum. Vote 16-0.

**HB 538-FN-A**, making an appropriation for the renovation of the state park system. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: This bill was filed by the House and Senate members of the SB 5 Commission to study the State's park system, to fulfill the commission's recommendation to bond \$10 million dollars in each of the next two biennium's for strategic planning to meet critical and deferred maintenance needs and for revenue enhancement projects. The Governor proposed approximately 6.4 million dollars in his Capital Budget and the committee has made provisions for the state parks in HB 25, the Capital Budget bill. Therefore, this legislative vehicle is no longer necessary. Vote 15-0.

**HB 681-FN-A**, relative to full cent gas pricing and road tolls. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: The effect of this bill would be to raise the road toll (gas tax) by one-tenth of a cent, which would raise Highway Fund revenue by about \$850,000 per annum. However, since the House has already passed HB 103, which establishes a commission to study the State Highway Trust Fund, the committee believes that the needs and funding levels of the Highway Fund are best studied in their entirety by this commission. Whole cent pricing will also be addressed by the study commission. Vote 13-2.

**HB 731**, relative to the use of vehicle information or location tracked by an electronic toll collection system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B. Campbell for Public Works and Highways: This bill (and the clarifying amendment) adds one sentence to the RSA to prohibit the use of the transponders, which are used for toll collection, to gather personal information or movements at any location except at the toll booths. Vote 11-2.

#### **Amendment (0707h)**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Evasion of Tolls and Charges. Amend RSA 236:31 by inserting after paragraph VI the following new paragraph:

VII. The transponders and the monitoring system used in electronic toll collection, shall not be used to track or determine the location of a vehicle or be used to collect the name, street address, post office box number, license or billing information, of the individual and vehicle associated with the transponder, except at each point where a toll is collected or incurred.

#### **AMENDED ANALYSIS**

This bill prohibits use of the electronic toll collection system and the electronic toll collection monitoring system to track or locate a vehicle except at the point where a toll is collected or incurred.

**HB 219**, relative to the membership of the wetlands council. **OUGHT TO PASS.**

Rep. James D. Aguiar for Resources, Recreation and Development: This bill increases the membership of the Wetlands Council from seven members to eight. The additional member would be an owner of farm land or forest land. The committee heard testimony that the decisions made by the Wetlands Council often have direct impact upon farm and/or forest land, hence the decision to give representation to these groups. Vote 16-0.

**HB 319**, relative to wetlands mitigation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan R. Kepner for Resources, Recreation and Development: Currently, it is difficult for the state to expend funds from the Federal Emergency Watershed Protection Program within the required 220 days, since both federal and state permits are necessary. The federal permit process includes an eleven page environmental assessment that the state then reviews. Therefore, the committee felt there is not need for a lengthy, cumbersome state permit that is redundant. Vote 18-0.

**Amendment (0566h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to emergency permits for projects funded through the Emergency Watershed Protection Program.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Fill and Dredge in Wetlands; Administrative Provisions. Amend RSA 482-A:11 by inserting after paragraph IX the following new paragraph:

X. The department shall have the authority to issue emergency permits for projects funded through the Emergency Watershed Protection Program of the Natural Resources Conservation Service, United States Department of Agriculture, when such projects are necessary to safeguard lives and property from floods and the products of erosion when a natural disaster is causing or has caused a sudden impairment of the watershed.

**AMENDED ANALYSIS**

This bill allows the department of environmental service to issue emergency permits for certain necessary projects.

**HB 321**, relative to river protection and restoration. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill addresses the nominating process for participation in the Rivers Management and Protection Program. This popular program is a community driven process whereby rivers are nominated for additional protections based on resource characteristics such as environmental, recreational, wildlife and cultural qualities. This bill would add hydroelectric energy production to the list of characteristics to be considered, which is inherently in conflict with many of the other qualities to be considered under the program. In addition, HB 321 requires a river or river segment to be included in the local master plan of a town participating in the nomination process. This essentially reverses the process since the inclusion of a river resource in local master plans is the hoped for result of the Rivers Management and Protection Program. Lastly, HB 321 alters the membership of the Rivers Management Advisory Committee (RMAC) with the addition of six legislators. The current membership of RMAC represents a diverse group of interests including agriculture, conservation, recreation, municipal and water supply. Although the addition of legislators is not objectionable, neither is it necessary since nominated rivers or river segments must gain legislative approval. The current process works admirably as indicated by the recent approval of the Ammonoosuc River. The case for changes to the Rivers Management and Protection Program has not been made. Vote 14-0.

**HB 383**, relative to waterfront buffer and woodland buffer requirements in the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill is one of four bills recommended by the Shoreland Protection Commission. The bill simplifies and clarifies regulations regarding waterfront buffers, allowing property owners to more easily understand what activities may and may not be undertaken within this most sensitive shorefront area. This clarity will promote greater compliance. The first 50 feet from the shoreline is designated as the waterfront buffer and is subject to restrictions on the removal of ground cover and the cutting of trees. Within this area, an easily understood formula replaces a complicated method for calculating al-

lowable alterations. The first 150 feet from the shoreline (including the waterfront buffer) is designated as the natural woodland buffer in which smaller areas must be maintained in an undisturbed state with the encouragement of other conservation measures. Lastly, for the first 250 feet from the shoreline (including the woodland buffer) the bill prescribes that no more than 20-30% of the total area may be covered with impervious surfaces, such as roofs, patios and most driveways. The majority of the committee felt this was a reasonable addition since the science indicates that watersheds are negatively affected by the disruption of as little as 10% of the area. Forest management and agriculture conducted in accordance with best management practices are exempted from these restrictions. The committee also looked at specific circumstances in order to be satisfied that these provisions do not constitute a taking, nor unreasonably restrict the ability of property owners to enjoy and develop their property. The committee believes HB 383 strikes a common sense balance between property rights and shoreland protection. Vote 18-1.

#### **Amendment (0904h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to waterfront buffer and woodland buffer requirements in the comprehensive shoreland protection act.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definitions. Amend RSA 483-B:4 by inserting after paragraph VII the following new paragraph:

VII-a. "Impervious surface" means any area that is paved, compacted, or otherwise modified to prevent or restrict the infiltration of storm water. Examples of impervious surfaces include but are not limited to, roofs, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways.

2 New Paragraph; Definitions. Amend RSA 483-B:4 by inserting after paragraph X the following new paragraph:

X-a. "Natural ground cover" means any herbaceous plant or any woody seedling or shrub less than 3 feet in height. Natural ground cover shall also include naturally occurring leaf or needle litter, stumps, decaying woody debris, stones, and boulders. Natural ground cover shall not include lawns, invasive species as listed by the department of agriculture, markets and food in accordance with RSA 430:53, III or exempted by the department of environmental services in accordance with RSA 487:16-a, imported organic or stone mulches, or other artificial materials.

3 New Paragraph; Definitions. Amend RSA 483-B:4 by inserting after paragraph XXIV the following new paragraph:

XXIV-a. "Undisturbed state" means native vegetation allowed to grow without interference.

4 Waterfront Buffer. Amend RSA 483-B:9, V to read as follows:

V. The following minimum standards shall apply to *areas and activities within* the protected shoreland ~~[provided that]~~ *with the exception of* forest management *that is* not associated with shoreland development or land conversion, and *is* conducted in compliance with RSA 227-J:9; forestry ~~[involving]~~ *conducted by or under the direction of a water supplier for the purpose of managing a* water supply ~~[reservoir]~~ watershed ~~[management; or];~~ and agriculture conducted in accordance with best management practices~~[- shall be exempt from the provisions of this chapter]~~ *as required by RSA 483-B:3, III:*

#### **(a) MAINTENANCE OF A WATERFRONT BUFFER.**

*(1) The waterfront buffer shall be those protected shorelands within 50 feet of the reference line. The purpose of this buffer shall be to protect the quality of public waters while allowing homeowner discretion with regard to water access, safety, viewscape maintenance, and lot design.*

*(2) Within the waterfront buffer all of the following prohibitions and limitations shall apply:*

*(A) No chemicals, including pesticides of any kind or fertilizers of any kind except those specified in RSA 483-B:9, II(d), shall be applied.*

*(B) Rocks and stumps and their root systems shall be left intact in the ground unless removal is specifically approved by the department, pursuant to RSA 482-A.*

*(C) No natural ground cover shall be removed unless removal is specifically approved by the department, pursuant to RSA 482-A.*

(D) Starting from the northerly or easterly boundary of the property, and working along the shoreline, the waterfront buffer shall be divided into 50 foot segments. Within each segment a minimum combined tree and sapling score of at least 50 points shall be maintained. If there is insufficient area for a full segment, the number of points required to be maintained in that partial segment shall be proportional to that required of a full segment.

(i) Tree and sapling diameters shall be measured at 4½ feet above the ground and are scored as follows:

<u>Diameter</u>	<u>Score</u>
1 inch to 6 inches	1
greater than 6 inches to 12 inches	5
greater than 12 inches	10

(ii) Dead, diseased, or unsafe trees shall not be included in scoring.

(iii) If the total tree and sapling score in any 50 foot by 50 foot segment exceeds 50 points, then trees and saplings may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 50 points. Trees and saplings may be removed from partial segments provided that the sum of the scores for the remaining trees and saplings in that partial segment is equal to or greater than the proportional point requirement.

(iv) The department may approve applications pursuant to RSA 482-A that include the planting of native trees and saplings as necessary to at least maintain either the existing combined tree and sapling score or the minimum score required. The department shall not approve any application that would result in a combined tree and sapling score less than the minimum score required.

(v) Owners of lots that were developed prior to the effective date of this paragraph may maintain but not enlarge cleared areas, including but not limited to existing lawns and beaches, within the waterfront buffer. Conversion to or planting of cleared areas with native species of ground cover, shrubs, saplings, and trees to comply with the point system shall not be required unless it is necessary to meet the requirements of RSA 483-B:9, V(g)(2) or RSA 483-B:9, V(g)(3).

(vi) Dead, diseased, or unsafe trees, saplings, or shrubs, that pose an imminent hazard to structures or have the potential for personal injury may be removed regardless of the score requirements of a segment. Such exception shall not be used to contravene the intent of the law.

(vii) Normal trimming, pruning, and thinning of branches to the extent necessary to protect structures, maintain clearances, and provide views is permitted. Trimming, pruning, and thinning of branches for the purpose of providing views shall be limited to the bottom 1/3 of the trees or saplings, or those portions of the natural ground cover exceeding 3 feet in height.

(viii) When necessary for the completion of construction activities permitted in accordance with RSA 483-B:6, a temporary 12 foot wide access path shall be allowed. The access path shall be completely restored and replanted with natural vegetation upon completion of construction except as allowed under RSA 483-B:9, V(a)(2)(D)(ix).

(ix) A permanent 6-foot wide foot path to the water body, configured in a manner that will not concentrate storm water runoff or contribute to erosion, is allowed.

~~(a)~~ (b) MAINTENANCE OF A NATURAL WOODLAND BUFFER.

(1) ~~Where existing,~~ A natural woodland buffer shall be maintained within 150 feet of the reference line. ~~The first 50 feet of this buffer is designated the waterfront buffer and is subject to the additional requirements of subparagraph (a).~~ The purpose of ~~this~~ the natural woodland buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the protected shoreland.

(2) Within the natural woodland buffer ~~[of the protected shoreland under conditions defined in RSA 483-B:9, V, all of the following prohibitions and limitations shall apply]:~~

(A) ~~[Not more than a maximum of 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings shall be removed for any purpose in a 20-year period. A healthy, well-distributed stand of trees, saplings, shrubs, ground cover, and their living, undamaged root systems shall be left in place.] At least 50 percent of the area outside the permitted impervious surfaces of the lot as allowed under RSA 483-B:9, V(g) shall be maintained in an undisturbed state.~~

(B) Any person applying to the department for a septic system construction approval or alteration of terrain permit pursuant to RSA 485-A, or an excavating and dredging permit pursuant to RSA 482-A, within the protected shoreland shall include photographic documentation of the natural woodland buffer.

(C) ~~[Structures, as defined in RSA 483-B:4, XXII, within the natural woodland buffer shall be afforded an opening for building construction that shall be excluded when computing the percentage limitations under subparagraph (a)(2)(A):~~

~~(D) Dead, diseased, or unsafe, [or fallen] trees, saplings, or shrubs[, or ground cover may be removed. Their removal shall not be used in computing the percentage limitations under subparagraph (a)(2)(A)] that pose an imminent hazard to structures or have the potential to cause personal injury may be removed regardless of the amount of area required to be maintained in an undisturbed state in the natural woodland buffer. Such exemptions shall not be used to contravene the intent of the law.~~

~~(E) Stumps and their root systems, which are located within 50 feet of the reference line, shall be left intact in the ground, unless removal is specifically approved by the department under RSA 482-A:~~

~~(F) (D) Preservation of dead and living trees that provide dens and nesting places for wildlife is encouraged.~~

~~(G) (E) Planting efforts that are beneficial to wildlife are encouraged.~~

~~(b) (c) SEPTIC SYSTEMS.~~

~~(1) [All new lots, including those in excess of 5 acres, created within the protected shoreland are] The subdivision of a parcel of land shall be subject to the requirements for subdivision [approval by] plan submission to the department of environmental services under RSA 485-A:29 if any portion of the land to be subdivided is within the protected shoreland.~~

(2) The following conditions, based on the characteristics of the receiving soil as they relate to U.S. Department of Agriculture, Natural Resources Conservation Service drainage classes, shall dictate the setback requirements for all new leaching portions of new septic systems, as follows:

(A) Adjacent to ponds, lakes, estuaries, and the open ocean.

(i) Where the receiving soil downgradient of the leaching portions of a septic system is a porous sand and gravel material with a percolation rate equal to or faster than 2 minutes per inch, the setback shall be at least 125 feet from the reference line;

(ii) For soils with restrictive layers within 18 inches of the natural soil surface, the setback shall be at least 100 feet from the reference line; and

(iii) For all other soil conditions, the setback shall be at least 75 feet from the reference line.

(B) Adjacent to rivers the setback shall be no less than 75 feet.

(3) The placement of all septic tanks and leaching portions of septic systems for replacement systems shall comply with the requirements of subparagraph ~~(b)(2)~~ (c)(2), to the maximum extent feasible.

~~(c) (d) EROSION AND SILTATION.~~

(1) All new structures, modifications to existing structures, and excavation or earth moving within protected shoreland shall be designed and constructed in accordance with rules adopted by the department under RSA 541-A for terrain alteration under RSA 485-A:17, to manage stormwater and control erosion and sediment, during and after construction.

(2) New structures and all modifications to existing structures within the protected shoreland shall be designed and constructed to prevent the release of surface runoff across exposed mineral soils.

(3) A permit under RSA 485-A:17, I shall be required for improved, developed, or subdivided land whenever there is a contiguous disturbed area exceeding 50,000 square feet that is either partially or wholly within protected shoreland.

~~(d) (e) MINIMUM LOTS AND RESIDENTIAL DEVELOPMENT.~~ In the protected shoreland:

(1) The minimum size for new lots in areas dependent upon on-site septic systems shall be determined by soil type lot size determinations, as established by the department of environmental services under RSA 485-A and rules adopted to implement it.

(2) For projects in areas dependent upon on-site sewage and septic systems, the total number of residential units in the protected shoreland, whether built on individual lots or grouped as cluster or condominium development, shall not exceed:

(A) One unit per 150 feet of shoreland frontage; or

(B) For any lot that does not have direct frontage, one unit per 150 feet of lot width as measured parallel to the shoreland frontage that lies between the lot and the reference line.

(3) No lot [~~dependent upon an on-site septic system;~~] having frontage on public waters, shall be created with less than 150 feet of shoreland frontage.

(4) [~~Lots in areas serviced by municipal sewers shall conform to municipal minimum lot standards, and shall not be subject to any shoreland frontage requirement, except as provided by municipal standards.~~]

(5) Lots and residential units outside of the protected shoreland shall not be subject to this chapter.

[(e)] (f) MINIMUM LOTS AND NON-RESIDENTIAL DEVELOPMENT. In the protected shoreland:

(1) The minimum size for new non-residential lots in areas dependent upon on-site septic systems shall be determined by soil type lot size determinations, as set forth under rules adopted under RSA 541-A.

(2) [~~Non-residential development requiring on-site water, sewage, and septic systems shall not be constructed on lots less than 150 feet in width.~~] *No lot having frontage on public water shall be created with less than 150 feet of shoreland frontage.*

(3) [~~Non-residential lots in areas serviced by municipal sewers shall conform to municipal minimum lot standards.~~]

(4) Non-residential lots outside of the protected shoreland shall not be subject to this chapter.

(g) IMPERVIOUS SURFACES. *Within 250 feet of the reference line, the maximum impervious surface area shall be:*

(1) *No more than 20 percent of the area of the lot located within the protected shoreland; or*

(2) *No more than 25 percent of the area of the lot located within the protected shoreland, provided:*

(A) *There is no tree cutting within the waterfront buffer if the waterfront buffer meets the 50-point tree score minimum; or*

(B) *Where the natural tree cover is less than a 50 point tree score in the waterfront buffer, additional tree planting is provided in the waterfront buffer to meet or exceed a 50-point tree score; and*

(C) *The lot shall be restricted by means of a permanent restriction recorded in the chain of title for the property to prohibit the cutting of vegetation within the waterfront buffer; or*

(3) *No more than 30 percent of the area of the lot located within the protected shorelands, provided:*

(A) *There is no tree cutting within the waterfront buffer if the waterfront buffer meets the 50 point tree score minimum, or*

(B) *Where the natural tree cover is less than a 50-point tree score in the waterfront buffer, additional tree planting is provided in the waterfront buffer to meet or exceed a 50-point tree score; and*

(C) *The lot shall be restricted by means of a permanent restriction recorded in the chain of title for the property to prohibit the cutting of vegetation within the waterfront buffer; and*

(D) *A stormwater management system designed to ensure that post-development total runoff volume shall not exceed the pre-development total runoff volume, and approved by the department of environmental services, shall be implemented.*

[(f)] (h) COMMON OWNERS AND RESIDENTIAL OR NON-RESIDENTIAL DEVELOPMENT. In the protected shoreland, waterfront parcels held in common by one or more owners of contiguous interior parcels may be developed, but only in a manner consistent with the provisions of this chapter. Care shall be taken for the adequate provision of parking, toilet facilities, and related support systems to minimize the project's impact on the public waters.

[(g)] (i) The commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b).

5 Prior Approval; Permits. Amend RSA 483-B:6, I(c) to read as follows:

(c) Install a septic system as described in RSA 483-B:9, V[(b)](c)(1)-(3) shall obtain all permits pursuant to RSA 485-A:29.

6 Prior Approval; Permits. Amend RSA 483-B:6, I(e) to read as follows:

(e) Subdivide land as described in RSA 483-B:9, V[(b)](e) and [(e)](f) shall obtain approval pursuant to RSA 485-A:29.

7 Repeal. 2002, 114:2, relative to setback requirements.

8 Effective Date. This act shall take effect April 1, 2008.

### AMENDED ANALYSIS

This bill adds a waterfront buffer requirement and modifies the natural woodland buffer requirement of the comprehensive shoreland protection act. This bill also repeals the authorization for certain municipalities to maintain defined primary building lines.

**HB 459**, relative to the identification of wells. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank A. Tupper for Resources, Recreation and Development: The purpose of this bill is to provide a method of recording the location of wells and technical information about their construction, such as depth, casing, etc. This will be valuable if there is water contamination in an area. Technical information will help future property owners who need to maintain or repair a well. The committee agreed with the amended version of this bill which now requires water well contractors and technical drillers of monitoring wells to supply a written record of specific technical and locational information to the Department of Environmental Services (DES). This will eliminate the need for locating by well tag identification, which well drillers testified was too onerous. Vote 15-0.

### Amendment (0475h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the identification of wells and monitoring wells.

Amend the bill by replacing all after the enacting clause with the following:

1 Record of Wells. Amend RSA 482-B:10 to read as follows:

482-B:10 Record of Wells; **Monitoring Wells.**

I. Within 90 days after completion of a well, [a] *the* water well contractor shall provide the board with a record of the well containing [such] *the following* information [as is required by rule.]:

(a) *Name of the owner of the property on which the well is situated.*

(b) *Name of the building contractor, if applicable.*

(c) *Location of the well by:*

(1) *Coordinates provided by global positioning technology in units of degrees and decimal minutes of latitude and longitude, with at least 3 decimal places of precision and referenced to the World Geodetic System 1984 (WGS84) datum or its successor;*

(2) *Street address of the property as listed in the enhanced 911 street address guide to the extent it is publicly available on the date of submission of the report;*

(3) *Tax map and lot number of the property; and*

(4) *A drawing indicating the position of each well, if more than one well is located within the lot, relative to significant permanent man-made or natural features at a given site.*

(d) *Date well was completed.*

(e) *Proposed use of well.*

(f) *Reason for constructing well.*

(g) *Type of well.*

(h) *Total depth of well.*

(i) *Casing details.*

(j) *Method or methods of sealing casing into bedrock, if applicable.*

(k) *Screen details, if applicable.*

(l) *Results, method, and duration of yield test or tests conducted.*

(m) *Static water level, if encountered.*

(n) *Depth to bedrock.*

(o) *Description and depth intervals of unconsolidated surficial deposits encountered during the well drilling process.*

(p) *Yield test at various depths, if performed.*

(q) *Hydro fracturing or other well development details, if applicable.*

(r) *Name of water well contractor or technical driller.*

(s) *Additional well seals installed, if applicable.*

(t) *A statement specifying whether a water quality sample was collected by the driller.*

(u) *If the well location does not comply with setback requirements for wells under New Hampshire law or rules of the water well board, a statement identifying the law or rule with which the wells do not comply.*

v. *Date of the report.*

(w) *Any other information required by rules adopted by the water well board.*

**II. At a minimum, the technical drillers shall comply with the requirements of paragraph I for the deepest monitoring well installed at each property or place of business and for each monitoring well installed into the bedrock at each property or place of business.**

**III. If the technical driller does not comply with the requirements of paragraph I for all the monitoring wells the driller installs at a single property or place of business, then the technical driller shall prepare and submit a map showing the location of each monitoring well installed by the technical driller relative to significant permanent man-made or natural features at a given site and relative to wells located with GPS coordinates in accordance with paragraph I.**

2 Sharing of Data for the Purpose of Maintaining Records of Wells. Amend RSA 106-H:14 to read as follows:

106-H:14 Information Not Subject to Right-to-Know Law. Any information or records compiled under this chapter shall not be considered a public record for the purposes of RSA 91-A **regardless of the use of such information under paragraph I or II.** Notwithstanding any provision of law to the contrary, the bureau shall only make information or records compiled under this chapter available **as follows:**

**I. On a case-by-case basis to a law enforcement agency that requires the information or records for investigative purposes[?]; and**

**II. To the department of environmental services solely for the purpose of estimating the location of wells subject to RSA 482-B. Information shared with the department of environmental services under this provision shall be limited to geographic information systems data that will aid in locating such wells. The department of environmental services shall not release such shared data under RSA 91-A.**

3 Effective Date. This act shall take effect 180 days after its passage.

### AMENDED ANALYSIS

This bill:

I. Requires water well contractors and technical drillers of monitoring wells to supply specific information to the board.

II. Limits the availability of information or records compiled in the records of wells.

**HB 648**, establishing a commission to develop a comprehensive flood management plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill establishes a commission to develop a comprehensive flood management plan. The commission is composed of six House members, three Senate members and various other interests. Duties include the study of measures to minimize flood impacts on community and personal property. The amendment adds a member and the duty to consider proper management of public water resources. Vote 17-0.

### Amendment (0601h)

Amend the bill by replacing sections 2-3 with the following:

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Six members of the house of representatives, including one member of the fish and game committee, one member of the environment and agriculture committee, one member of the resources, recreation and development committee, and one member of the science, technology and energy committee, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) Two representatives of the office of the governor, appointed by the governor.

(d) One member of the rivers management advisory committee, established in RSA 483:8, appointed by the committee.



- (e) One member from the hydroelectric industry, appointed by the governor.
- (f) One member of the New Hampshire Municipal Association, appointed by that organization.
- (g) One member of the Nature Conservancy, appointed by that organization.
- (h) One member of the Army Corps of Engineers, appointed by the corps.
- (i) The director of homeland security and emergency management of the department of safety, or designee.
- (j) The commissioner of the department of environmental services, or designee.
- (k) One member representing the New Hampshire water works association appointed by that organization or, if the association fails to appoint a member, a public water supplier appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall:

I. Study possible measures for controlling floods to minimize their impact on communities and individual properties throughout the state. These measures shall include but not be limited to:

- (a) Land treatment to reduce flood runoff.
- (b) Flood hazard assessment.
- (c) Management of flood waters by means of dams and reservoirs.
- (d) Removal or preservation of dams as an element of flood management.
- (e) Possible zoning and flood plain regulations.
- (f) Cooperative efforts between private dam owners and New Hampshire emergency management in the event of serious flood threats.
- (g) Flood forecasting practices.

II. The commission may also consider issues associated with flood control, including:

- (a) Tax exemption for private dam owners to encourage dam maintenance and restoration.
- (b) Expansion of hydroelectric power generation.
- (c) Use of flood plain lands for agriculture.
- (d) Wetland preservation.
- (e) Affect of floods on storm sewers and waste treatment plants.
- (f) Recreational use of water bodies used for flood control.
- (g) Availability of grants for flood control and dam improvement and restoration.
- (h) Recovery of moneys owed to the state for flood control dams.
- (i) Proper management of public water resources.
- (j) Other issues as the commission deems fit.

III. The commission shall be administratively attached to the department of administrative services.

**HB 665-FN**, relative to the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill is one of four bills recommended by the Shoreland Protection Commission. The bill changes the method by which streams are classified, now using the New Hampshire hydrography data set, and clarifies the language in the definition of a "water dependent structure." In addition, HB 665 repeals legislation that exempted towns which had adopted a shoreland protection ordinance and certain designated rivers and river segments from the application of this act. Lastly, this bill adds third order streams to those water bodies to be protected by the shoreland protection act on January 1, 2009. The committee feels that this latter is an important step, but that a delayed enactment would give the Department of Environmental Services time to prepare the necessary groundwork for its implementation. Vote 18-1.

**Amendment (0852h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions. Amend RSA 483-B:4, XVI(c) to read as follows:

(c) Rivers, meaning all year-round flowing waters of fourth order or higher[~~as shown on the now current version of the U.S. Geological Survey 7 1/2" 2C topographic maps~~]. Stream order shall be determined using the *New Hampshire hydrography dataset archived by the geographi-*

*cally referenced analysis and information transfer system (GRANIT) at the complex systems research center of the university of New Hampshire, and developed by GRANIT in collaboration with the department of environmental services.* [~~Strahler method, whereby the highest year-round streams in a watershed are first order streams, their juncture yields second order streams, the juncture of second order streams yields third order streams, et seq.~~] A listing of the streams of fourth order and higher shall be prepared and [~~maintained~~] *periodically updated* by the [~~office of energy and planning~~] *GRANIT at the complex systems research center of the university of New Hampshire* and delivered to the commissioner 30 days after the effective date of this act.

2 Definitions. Amend RSA 483-B:4, XXVI to read as follows:

XXVI. "Water dependent structure" means a structure that [~~services and supports activities that require direct access to, or contact with the water, or both, as an operational necessity and that requires a permit under RSA 482-A, including but not limited to~~] *is a dock, wharf, pier, breakwater, beach, bathhouse, retaining wall, or launching ramp or other similar structure, or any part thereof, built over, on, or in the waters of the state.*

3 Definitions. Amend RSA 483-B, XVI(c) to read as follows:

(c) Rivers, meaning all year-round flowing waters of [~~fourth~~] *third* order or higher. Stream order shall be determined using the New Hampshire hydrography dataset archived by the geographically referenced analysis and information transfer system (GRANIT) at the complex systems research center of the university of New Hampshire, and developed by GRANIT in collaboration with the department of environmental services. A listing of the streams of [~~fourth~~] *third* order and higher shall be prepared and periodically updated by the GRANIT at the complex systems research center of the university of New Hampshire and delivered to the commissioner 30 days after the effective date of this act.

4 Repeal. The following are repealed:

I. RSA 483-B:19, relative to relative to the applicability of the comprehensive shoreland protection act.

II. RSA 483-B:20, relative to the exemption of certain designated rivers.

5 Effective Date.

I. Section 3 of this act shall take effect January 1, 2009.

II. The remainder of this act shall take effect April 1, 2008.

**HB 716**, relative to subdivision and septic system application waivers. **INEXPEDIENT TO LEGISLATE.**

Rep. James D. Aguiar for Resources, Recreation and Development: The committee heard testimony that the prime sponsor of the bill no longer supported the proposal after learning that the Department of Environmental Services had resolved the underlying issues through alternate means. Vote 16-0.

**HB 722**, relative to the rivers management protection program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elisabeth N. Sanders for Resources, Recreation and Development: This bill adds members to the Rivers Management Advisory Committee and allows local river management committees to include tributary drainage areas in their local management plans. These plans are advisory, like a local master plan. The bill also expands the scope of the state's Long-Range Rivers Management Plan for state-owned lands to include tributary drainage areas for each designated river. The overall goals of the local management plans and the long-range plan are to restore and maintain ecological integrity to meet existing and future multiple uses for New Hampshire's state protected rivers. The committee felt that the expansion of the scope of plans is appropriate as tributaries are important to the river's water quality. Vote 16-0.

#### **Amendment (0811h)**

Amend RSA 483:3 as inserted by section 1 of the bill by replacing it with the following:

483:3 Rivers Coordinator. There is established in the [~~office of planning~~] department of environmental services, a state rivers coordinator, who shall be a classified employee qualified by reason of education and experience, and who shall administer the New Hampshire rivers management and protection program.

Amend RSA 483:10-a as inserted by section 7 of the bill by replacing it with the following:

483:10-a Long-Range River Management Plans. The department shall prepare and adopt a long-range comprehensive plan for each designated river or segment which shall address the manage-

ment and protection of instream values and state lands within the corridor, *and tributary drainage areas*. State land within the designated river corridor *and tributary drainage areas* shall be administered and managed in accordance with the plan, and state management of fisheries, streams, waters, wildlife, and boating shall be consistent with the plan. In developing this plan, the department shall cooperate with the department of resources and economic development, the department of fish and game, the office of energy and planning, the department of agriculture, markets, and food, *the department of transportation*, and the local rivers management advisory committee.

Amend the bill by replacing section 8 with the following:

8 Notification of Rivers Coordinator. Amend RSA 483:12-a to read as follows:

483:12-a State Action; Notification of Rivers Coordinator; Petition for Review.

I. Any state agency considering any action affecting any river or segment designated under this chapter shall notify the rivers coordinator prior to taking any such action. Such agency shall forward to the rivers coordinator for review and comment copies of all notices of public hearings, or, where a public hearing is not required, a copy of the application for issuance of a permit, certificate, or license within the designated river or corridor under *RSA 485-C*, *RSA 485-A*, *RSA 483-B*, *RSA 12-E*, *RSA 270:12*, *RSA 482*, *RSA 482-A*, *RSA 149-M*, or *RSA 147-A*. If an agency is notified by the rivers coordinator that a proposed activity would violate a protection measure under *RSA 483:9*, *483:9-a*, *483:9-aa*, or *483:9-b*, such agency shall deny the application.

I-a. The rivers coordinator shall develop, in conjunction with affected state agencies and local river management advisory committees, the procedure by which the state shall notify the appropriate local river management advisory committee when state action is being considered which affects a designated river.

II. If an application is denied solely because the proposed activity would violate a protection measure under *RSA 483:9*, *483:9-a*, *483:9-aa*, or *483:9-b*, the applicant may petition the commissioner for a review. Within 30 days of receiving such a petition, the commissioner, in consultation with the advisory committee and the appropriate local rivers management advisory committee, shall review the application. If the commissioner determines that the proposed activity is consistent with the character of the designated river or segment or that the proposed activity would provide a public benefit sufficient to outweigh the public benefit of a protection measure under this chapter, the commissioner shall submit to the speaker of the house and the president of the senate a recommendation that the proposed activity be allowed to proceed. Such recommendation shall require review and approval by the general court and shall be filed as a bill in the next legislative session following the petition.

Amend the bill by replacing section 9 with the following:

9 Lakes Management Advisory Committee. Amend *RSA 483-A:6*, II(d) to read as follows:

(d) ~~[Amended]~~ A municipal officer of a lakefront community nominated by the New Hampshire Municipal Association.

**HB 813-FN**, expanding the definition of income of the land conservation investment program monitoring endowment. **OUGHT TO PASS.**

Rep. Sid Lovett for Resources, Recreation and Development: Replacing the terms "revenue" and "interest" with the term "income" as it applies to *RSA 162-C:8* helps the Department of Treasury to better manage the portfolio of the endowment of the Land Conservation Investment Program (a land protection program that preceded LCHIP). Vote 18-0.

**HB 857-FN-L**, relative to permitting responsibilities under the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill is one of four bills recommended by the Shoreland Protection Commission. This bill clarifies permitting responsibilities under the comprehensive shoreland protection act. It is not uncommon for individuals to be unaware of what activities require a state permit and this bill clearly identifies those activities. In particular, an approval by a municipality is sometimes interpreted as a go-ahead for a project when state approval is also required. This bill clarifies that municipalities do not have the authority to offer waivers or variances to state shoreland regulations. The amendment clarifies language, adds a definition for nonconforming lots and structures and specifies what activities would not necessitate a permit under this act. Vote 18-1.

**Amendment (0836h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions. Amend RSA 483-B:4, XI-a to read as follows:

***XI-a. "Nonconforming lot of record" means an existing lot which does not conform to the provisions of this chapter.***

***XI-b. "Nonconforming Structure" means a structure that does not conform to the provisions of this chapter.***

***XI-c. Ordinary high water mark" means the line on the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high water mark is not easily discernable, the ordinary high water mark may be determined by the department of environmental services.***

2 Prior Approval; Permits. Amend RSA 483-B:6 to read as follows:

483-B:6 Prior Approval; Permits.

I. Within the protected shoreland, any person intending to:

(a) Engage in any earth excavation activity shall obtain all necessary local approvals in compliance with RSA 155-E.

(b) Construct a water-dependent structure, alter the bank, or construct or replenish a beach shall obtain approval and all necessary permits pursuant to RSA 482-A.

(c) Install a septic system as described in RSA 483-B:9, V(b)(1)-(3) shall obtain all permits pursuant to RSA 485-A:29.

(d) Conduct an activity resulting in a contiguous disturbed area exceeding 50,000 square feet shall obtain a permit pursuant to RSA 485-A:17.

(e) Subdivide land as described in RSA 483-B:9, V(d) and (e) shall obtain approval pursuant to RSA 485-A:29.

***(f) Conduct an activity regulated under a local zoning ordinance shall obtain all necessary local approvals.***

***I-a. In addition to paragraph I, no person shall commence any of the following activities within the protected shoreland without prior written approval from the department:***

***(a) Construction of any structure on a nonconforming lot of record under RSA 483 B:10.***

***(b) Redevelopment of any site that contains nonconforming structures or any expansions of existing nonconforming structures under RSA 483 B:11, II***

***(c) Commencement of any construction that would require a variance under RSA 483-B:9, V(g).***

II. In applying for these approvals and permits, such persons shall demonstrate to the satisfaction of the department ***or municipality*** that the proposal meets or exceeds the development standards of this chapter. ***The department shall develop minimum standards for information to be required on or with all applications under paragraph I.*** The department ***or municipality*** shall grant, deny, or attach reasonable conditions to ~~[a permit]~~ ***approvals issued under paragraph I-a or a permit*** listed in subparagraphs I(a)-~~(e)~~ ***(f)***, to protect the public waters or the public health, safety or welfare. Such conditions shall be related to the purposes of this chapter.

***III. The department shall have the sole authority to issue variances and waivers of the provisions of this chapter as specifically authorized by this chapter.***

***IV. No variance, permit, or approval issued by a municipality shall exempt the owner from obtaining any other necessary permit or approval from the department as required by this chapter.***

3 Nonconforming Structures. Amend RSA 483-B:11 to read as follows:

483-B:11 Nonconforming Structures.

I. Except as otherwise prohibited by law, nonconforming structures~~[erected prior to July 1, 1994,]~~ located within the protected shoreland may be repaired, renovated, or replaced in kind using modern technologies, provided the result is a functionally equivalent use. Such repair or replacement may alter the interior design or existing foundation, but ***shall result in*** no expansion of the existing footprint or outside dimensions ~~[shall be permitted]~~ ***except as authorized by the department pursuant to paragraph II.*** An expansion that increases the sewerage load to an on-site septic system, or changes or expands the use of a septic system or converts a structure to condominiums

or any other project identified under RSA 485-A:29-44 and rules adopted to implement it shall require approval by the department. Between the primary building line and the reference line, no alteration shall extend the structure closer to the public water, except that the addition of a deck or open porch is permitted up to a maximum of 12 feet towards the reference line *for nonconforming structures erected prior to July 1, 1994*.

II. When reviewing requests for the redevelopment of sites that contain nonconforming structures [~~erected prior to July 1, 1994;~~] *or any expansions of nonconforming structures*, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters. For the purposes of this section, a proposal that is “more nearly conforming” means a proposal for significant changes to the location or size of existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection.

4 Effective Date. This act shall take effect April 1, 2008.

**HB 903-FN**, prohibiting delivery of oil to non-compliant underground storage facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris Christensen for Resources, Recreation and Development: This bill was introduced at the request of the Department of Environmental Services (DES) and the Oil Fund Disbursement Board (ODB). It is their joint responsibility under RSA 146-D to monitor underground oil storage tanks and provide extra insurance in the case of leaks. The state receives nearly \$1,000,000 in federal funds in support of these programs. This bill brings New Hampshire into compliance with federal guidelines to prevent deliveries to non-compliant tanks. The amendment clarifies procedures for reinstating service and changes the effective date to July 1, 2007. Vote 17-0.

**Amendment (0580h)**

Amend the bill by replacing section 2 with the following:

2 New Sections; Delivery Prohibition. Amend RSA 146-C by inserting after section 13 the following new sections:

146-C:14 Delivery Prohibition. No person shall deliver or cause the delivery of oil to a non-compliant storage tank or facility which has been red-tagged.

146-C:15 Non-Compliant Storage Tanks or Facilities; Red-Tagging Procedure. The department shall apply the following procedure in determining whether to red-tag a storage tank or facility:

I. The department shall perform an on-site inspection to determine whether a storage tank or facility is noncompliant with department rules for spill prevention, overfill protection, release detection, leak monitoring, or corrosion protection.

II. Upon determining non-compliant status, the department shall provide written notification to the facility owner and facility operator on the nature of the operational deficiencies, the applicable regulatory requirements, options available for correcting the deficiencies, and the deadline for completion of the work.

III. Upon failure of a facility owner or operator to correct such operational deficiencies to the satisfaction of the department by the established deadline, the department shall issue a written notice of “Intent to Red-Tag” to the facility owner and facility operator, and shall provide notification to all oil delivery companies that have requested to receive such notifications. The notice shall include the deadline after which date department personnel will red-tag the noncompliant storage tank or facility.

IV. The department shall publish a current list of all red-tagged storage tanks and facilities in the state, and shall provide notification of list changes to all oil delivery companies that have requested to receive such notification. No person shall be liable for delivery of oil to a noncompliant storage tank or facility that is not included on the department list of red-tagged storage tanks or facilities.

146-C:16 Appeals.

I. A facility owner may request, in writing, that the department rescind the delivery prohibition imposed under RSA 146-C:14. The department shall approve a request to rescind the delivery prohibition, upon determining the following:

(a) The facility owner or operator has corrected the operational deficiencies identified during the inspection conducted under RSA 146-C:15, I;

(b) Fines and penalties assessed by the department against the facility owner or operator, if any, have been paid; and

(c) The department has re-inspected the facility and determined the storage tank or facility is in compliance, or an owner or operator provided satisfactory documentation that operational deficiencies were corrected. The department may re-inspect the facility to verify the accuracy of such documentation after the delivery prohibition is rescinded.

II. Nothing in this section shall affect any authority of the department or the attorney general to enforce state law relative to oil discharges or storage tank compliance, or to seek injunctive relief, cost recovery, penalties, and any other sanctions for noncompliance with applicable requirements.

III. Any appeal of department action under this section shall not stay or suspend the department's action.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect July 1, 2007.

**HB 447**, relative to net energy metering. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jacqueline A. Cali-Pitts for Science, Technology and Energy: Current law permits electric customers to participate in a program to generate their own electricity while still remaining connected so as to receive electric service on an as-needed basis. When their own generation exceeds their own needs the excess is supplied to the grid and "the meter runs backwards." The participating customer pays for the net amount consumed. The bill as amended modifies the eligibility for net metering; it, very simply, encourages the use of alternative energy sources by modifying RSA 362 by raising the kilowatt hour limit from 25 to 100 as the maximum generation allowed for participation in the program. Vote 15-0.

#### **Amendment (0258h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions. Amend RSA 362-A:1-a, II-b to read as follows:

II-b. "Eligible customer-generator" means an electric utility customer who owns and operates electrical generating facilities powered by ~~[solar, wind, and/or hydro]~~ **renewable** energy with a total peak generating capacity of not more than ~~[25]~~ **100** kilowatts that is located on the customer's premises, is interconnected and operates in parallel with the electric grid, and is intended primarily to offset part or all of the customer's own electricity requirements.

2 Net Energy Metering. Amend RSA 362-A:9, I to read as follows:

I. A standard contract or tariff providing for net energy metering shall be developed and made available to eligible customer-generators by each electric distribution utility within 90 days of the start of retail choice of electric suppliers, or within 90 days of the final approval of net metering regulations issued by the commission, whichever comes first. Such tariffs or contracts shall be available on a first-come, first-served basis within each electric utility service area under the jurisdiction of the commission until such time as the total rated generating capacity owned and operated by eligible customer-generators totals ~~[0.05]~~ **one** percent of the annual peak energy demand distributed by each such utility as determined by the commission from time to time.

3 New Energy Metering. Amend RSA 362-A:9, IV(c) to read as follows:

(c) Where the electricity generated by the customer-generator exceeds the electricity supplied by the electric grid, the customer-generator shall be credited ~~[during the next billing period]~~ **over subsequent billing periods** for the excess kilowatt hours generated in accordance with this section.

4 New Energy Metering. Amend RSA 362-A:9, V to read as follows:

V. The commission shall adopt rules, pursuant to RSA 541-A, to establish reasonable interconnection requirements for safety, reliability, and power quality as it determines the public interest requires. **Such rules shall not exceed applicable test standards of the American National Standards Institute (ANSI) or Underwriters Laboratory (UL).**

5 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill:

I. Modifies the definition of eligible customer-generator.

II. Requires the public utilities commission to conform to certain standards when adopting safety rules.

**HB 694**, establishing a commission to study the feasibility of tidal power generation under the Little Bay and General Sullivan Bridges, in Dover. **OUGHT TO PASS WITH AMENDMENT.** Rep. Thomas R. Fargo for Science, Technology and Energy: This bill creates a 20-member commission to study the feasibility of tidal power generation, primarily under the Little Bay and General Sullivan bridges in Dover and Newington. Membership on the commission represents a diverse group of stakeholders representing the General Court, state and federal agencies, municipalities, non-governmental environmental protection and commercial fishing interests, and the University of New Hampshire. Duties include the review of permitting standards, the public's and business community's attitude toward the project, environmental and wildlife impacts, and the costs and benefits of the project. The commission may, by 2/3 majority vote, expand its review to power generation at other appropriate infrastructure under New Hampshire jurisdiction. Vote 16-0.

#### **Amendment (0717h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study the feasibility of tidal power generation under the Little Bay and General Sullivan Bridges, in Dover.

#### 2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) The commissioner of the department of transportation, or designee.

(d) The director of the office of energy and planning, or designee.

(e) The executive director of the public utilities commission, or designee.

(f) One member from the Northeast Regional Office of the National Marine Fisheries Service, designated by the regional administrator.

(g) One representative from the city of Dover, designated by the city council.

(h) One representative from the town of Newington, designated by the board of selectmen.

(i) One member of the New Hampshire Estuaries Project, designated by the management committee.

(j) The commissioner of the department of environmental services, or designee.

(k) The chief of the fish and game department, division of marine fisheries, or designee.

(l) The director of the Pease development authority, division of ports and harbors, or designee.

(m) One member of the New Hampshire Commercial Fishermen's Association

(n) One member of the public, appointed by the governor.

(o) Two representatives of different environmental protection or advocacy organizations, appointed by the governor.

(p) One representative from the university of New Hampshire, appointed by the university president.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

#### 3 Duties.

I. The commission shall:

(a) Identify and collect technical and sociological data, and investigate regulatory requirements necessary to determine the feasibility of building a system for tidal power generation under the Little Bay and General Sullivan Bridges in Dover and Newington. These data shall include, but are not limited to:

(1) Permitting standards, including regulatory barriers to permitting of such projects.

(2) The public's and business community's attitudes toward the project.

(3) The environmental and wildlife impacts.

(4) The cost and benefits of the project and potential for compensation to the state and municipalities.

(b) Identify the lead state agency to coordinate the efforts of the commission.

II. The commission may, upon 2/3 majority vote of the commission, expand its scope to study the feasibility of tidal power generation at other appropriate infrastructures under New Hampshire jurisdiction, as long as such studies are completed on or before November 1, 2008.

4 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

5 Report. The commission shall make an initial report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007, and shall make a final report on or before November 1, 2008.

6 Effective Date. This act shall take effect upon its passage.

**HB 880-FN**, requiring the department of resources and economic development to implement a feasibility study for the production of alternative forms of energy using natural resources of the state of New Hampshire and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.** Rep. John H. Thomas for Science, Technology and Energy: The issues in this bill are encompassed in HB 467 which was passed by this committee. The bill is too explicit and restrictive as to who is to do the study. The Department of Resources and Economic Development (DRED) does not support the bill. There is no fiscal note. Vote 17-0.

**HB 917**, establishing a commission to study implementing a statewide emergency communications system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M. Garrity for Science, Technology and Energy: This bill adds an additional duty to the existing standing Telecommunications Oversight Committee namely, to study the implementation of a statewide emergency notification system which is appropriate for both state and local needs. The committee shall consider a reverse 911 system and other means of notification. Originally this bill would have created a new study commission, but the committee felt that this topic could be adequately studied by an existing statutory study committee. The prime sponsor of this bill was in agreement with this approach. Vote 17-0.

#### Amendment (0728h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the duties of the oversight committee on telecommunications.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Oversight Committee on Telecommunications; Duties. Amend RSA 374:22-j by inserting after paragraph XVI the following new paragraph:

XVII. Studying the implementation of a statewide emergency notification system which is appropriate for both state and local needs and considering possible funding sources for such system. The committee shall consider a reverse 911-system and other means of notification.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill requires the oversight committee on telecommunications to study implementing a statewide emergency notification system.

**HCR 8**, urging Congress to rename the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital. **OUGHT TO PASS.**

Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: In this period of higher concern about the quality and availability of the health care delivery system for our veterans, the committee believes that placing a name and future on our only veterans' medical center would enhance our ability to help keep the medical center open without any additional decrease in services. The committee believes that naming the hospital after a former Governor, U.S. Senator and reserve military officer who invested time, effort and personal resources in ensuring the initial construction of the medical facility would be prudent and possibly helpful in keeping the hospital operational. Vote 12-0.

**HJR 1**, urging that more veterans' mental health counseling centers be established in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: This is an extremely important resolution where we have not only the ability but the responsibility to make a difference in the



lives of the men and women that we, as Americans, asked to go into harms' way. The resolution as amended not only asks that Congress continues to fund the Manchester Veterans' Center, the only one in the state of New Hampshire, but also to provide funding to establish a veterans' center in Berlin and in Keene. Veteran centers provide our combat veterans a place to seek help, to seek guidance and sometimes a simple, "brother I understand I have been there, I have experienced that." Veteran Centers around the country have given our combat veterans an opportunity to get their lives back, to get their families back, and to become productive members of society again. Every time a combat veteran in crisis has no where to go, no one to turn to, his or her chance of ending up in the criminal system increases sharply. Not only is it not the moral thing to allow, it is a waste of both taxpayers' funds and human potential for it is always far cheaper to do the right thing and prevent the problem from expanding than to punish for the end result. New Hampshire has the second highest ratio of veterans in the country. One veterans' center that could lose its funding next year just isn't the ethical way for us to treat the men and women of New Hampshire that were faced with the real possibility of paying the final and ultimate price. Vote 14-0.

#### **Amendment (0703h)**

Amend the title of the bill by replacing it with the following:

A RESOLUTION           urging that more veterans' mental health counseling centers be established in New Hampshire and urging that funding be continued for the Manchester Veterans' Center.

Amend the resolution by replacing the first paragraph after the title with the following:

Whereas, New Hampshire has one veterans' mental health counseling center in Manchester which must continue to be funded; and

Amend the resolution by replacing all after the resolving clause with the following:

That the general court hereby urges that funding be continued for the Manchester Veterans' Center in Manchester, New Hampshire; and

That the general court hereby recommends and encourages the New Hampshire congressional delegation to support funding for the 2 additional veterans' mental health counseling centers; and

That copies of this resolution be sent by house clerk to each member of the New Hampshire congressional delegation.

#### **AMENDED ANALYSIS**

This house joint resolution urges that the Manchester Veterans' Center continue to be funded and that more veterans' mental health counseling centers be established in New Hampshire.

#### **HB 188, excluding certain watercraft from the definition of ski craft. OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A. Packard for Transportation: This bill removes from the "Ski Craft" RSP definitions a boat called Craig Cat. It has 2 pontoons and side by side seats. It certainly does not fit into the Ski Craft definition. Vote 16-0.

#### **Amendment (0370h)**

Amend the bill by replacing section 1 with the following:

1 Definitions; Ski Craft. Amend RSA 270:73, V to read as follows:

V. "Ski craft" means any motorized watercraft or private boat which is less than 13 feet in length as manufactured, is capable of exceeding a speed of 20 miles per hour, and has the capacity to carry not more than the operator and one other person while in operation. The term includes a jet ski, surf ski, fun ski, or other similar device. *"Ski craft" does not include any watercraft or boat with twin hulls and which is greater than 11 feet long and greater than 5 feet wide.*

#### **AMENDED ANALYSIS**

This bill excludes any watercraft with twin hulls and which is greater than 11 feet long and greater than 5 feet wide from the definition of ski craft.

#### **HB 247, allowing surviving spouses to retain special number plates for veterans for one year. OUGHT TO PASS WITH AMENDMENT.**

Rep. Brenda L. Ferland for Transportation: This bill modifies the current veteran plate bill. It adds language to allow the surviving spouse the use of the plate for either the remainder of the current registration period after the death of the veteran or for 3 months if the registration expires during that 3 month period. Vote 17-0.

**Amendment (0206h)**

Amend the title of the bill by replacing it with the following:

AN ACT allowing surviving spouses to retain temporarily special number plates for veterans.

Amend the bill by replacing section 1 with the following:

1 Special Number Plates for Veterans; Surviving Spouse. Amend RSA 261:87-b, I to read as follows:

I. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only to veterans as defined in RSA 21:50, I(a) upon application, proof of veteran status in a form authorized by RSA 21:50, I(b), and payment of a one time \$25 fee to recover production and administrative costs that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required. The director shall also issue such plates to any person providing proof of honorable discharge from the armed services of any nation allied with the United States during World War II and proof of such person's service during World War II. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are non-transferable and shall expire upon the death of the veteran, *except that the surviving spouse may use the plates for either the remainder of the registration period after the death of the veteran, or for 3 months after the death of the veteran if the registration expires during that 3-month period.*

**AMENDED ANALYSIS**

This bill allows surviving spouses to retain temporarily special number plates for veterans.

**HB 279**, establishing the alternative motto "scenic" for motor vehicle number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F. Bergin for Transportation: The committee had ten special plate bills this session. This is nothing unusual as this has happened in past sessions. Our actions on this bill giving a motorist the opportunity to use "scenic" or "live free or die" on license plates should not be viewed contrary to the intentions of the sponsor. As a result the Committee has retained HB 355 to review all matters relating to special license plates and the concerns of the sponsor of the bill will be included. Vote 15-0.

**HB 290**, relative to safe operation of vessels on New Hampshire waters. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for Transportation: The committee voted to retain HB 847 – a lakes speed limit bill. This was done to give the Dept. of Safety time to implement a 45 mph daytime and a 25 mph nighttime speed limit on certain parts of Lake Winnepesaukee. The public is split on this issue. Since we have not had a rash of accidents on our lakes boating is one of the safest sports in N.H. Vote 16-0.

**HB 301**, relative to nonresident registration of motor vehicles. **OUGHT TO PASS.**

Rep. Michael B. O'Brien for Transportation: Current law enables DMV to issue a non-resident registration to vehicles if they are garaged "exclusively" in NH. This means the vehicle cannot leave the state at any time or be eligible for non-resident registration. This bill cures that problem by substituting "primary" for "exclusively" and further defines "primary" as being garaged here for 350 days of the year. Vote 17-0.

**HB 311**, establishing a committee to study the feasibility of setting liability limits for commuter rail operations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B. O'Brien for Transportation: This bill establishes a committee to study the feasibility of setting liability limits for commuter rail operations. The committee will be appointed by the Speaker of the House and President of the Senate. This bill is one of the first steps in obtaining commuter rail service in our state. Vote 17-0.

**Amendment (0715h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to review liability issues for commuter rail operations.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to review liability issues for commuter rail operations.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall review liability issues for commuter rail operations.

#### AMENDED ANALYSIS

This bill establishes a committee to review liability issues for commuter rail operations.

**HB 333**, requiring driver education to include operation of manual transmission vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. C. Pennington Brown for Transportation: A practical consideration is the unavailability of manual transmission vehicles. The principles of operating these vehicles are already in the curriculum. Also, there are handicapped individuals who may not be physically able to operate a manual transmission. Vote 13-0.

**HB 381**, relative to the procedures for New Hampshire individuals taking driver education courses in Vermont. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul H. Ingersoll for Transportation: This bill would have allowed New Hampshire residents to take driver education courses in Vermont. It was noted that Vermont motor vehicle laws are similar, but vary from New Hampshire law. It was also noted the difficulty of the New Hampshire DMV to monitor driver education courses in another state. Vote 15-0.

**HB 382-FN**, relative to vanity number plates for licensed amateur radio operators. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F. Bergin for Transportation: The committee had ten special plate bills this session. This is nothing unusual as this has happened in past sessions. Our actions on this bill giving a motorist the opportunity to denote "amateur radio" should not be viewed as contrary to the intentions of the sponsor. As a result the committee has retained HB 355 to review all matters relating to special license plates and the concerns of the sponsor of the bill will be included. Vote 16-0.

**HB 397**, relative to restricted drivers' licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carole J. Estes for Transportation: This bill recognizes and accepts the advances in eye surgery that eliminates the need for external corrective lenses. The advent of laser surgery provides visual acuity of 20/40 or better at minimal cost and effort. Vote 17-0.

#### Amendment (0699h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Restricted Licenses; Corrective Eye Surgery. Amend RSA 263:13 by inserting after paragraph V the following new paragraph:

VI. If the department issues a license restricting the holder's operation because a visual impairment or deficiency, the director shall enter a rescission of the restriction in the records of the department upon receiving verification from a licensed physician or optometrist in a form satisfactory to the director that the holder of the license has received surgery to correct his or her vision and now has a visual acuity of 20/40 or better.

**HB 405**, establishing a committee to study the disposal of end of life vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill was withdrawn at the request of the prime sponsor. The committee concurred. Vote 16-0.

**HB 448-L**, relative to early renewals of vehicle registrations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. C. Pennington Brown for Transportation: This provides a convenience for vehicle owner renewing registrations and is supported by the New Hampshire City and Town Clerk's Association. Vote 16-0.

#### Amendment (0276h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

**HB 515-FN**, relative to combat veteran stickers on number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F. Bergin for Transportation: The committee had ten special plate bills this session. This is nothing unusual as this has happened in past sessions. Our actions on this bill giving the opportunity to put combat veteran stickers on license plates should not be viewed as contrary to the intentions of the sponsor. As a result the committee has retained HB 355 to review all matters relating to special license plates and the concerns of the sponsor of the bill will be included. Vote 17-0.

**HB 547-FN**, relative to the inspection of trucks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jean-Guy J. Bergeron for Transportation: The bill addresses truck inspection. Under the current statute a truck weighing 10,000 pounds gross vehicle weight has to be inspected twice a year. The committee was presented testimony indicating that truck weight 10,000 to 17,999 gross vehicle weight did not need to be inspected twice a year, as these vehicles are smaller trucks and as a result do not have to be inspected as frequently. These vehicles will be inspected once a year but vehicles over 18,000 pounds gross weight will have to be inspected twice a year. Vote 16-0.

#### Amendment (0842h)

Amend RSA 266:1, IX as inserted by section 1 of the bill by replacing it with the following:

IX. Notwithstanding any other provisions of this section to the contrary, all trucks exceeding ~~[10,000]~~ **18,000** pounds gross vehicle weight and all school buses *exceeding 10,000 pounds gross vehicle weight*, including buses owned or used by a religious organization or a nonprofit organization used exclusively as buses for the transportation of its members in connection with functions of the organization, shall be inspected semi-annually. The month for the first inspection shall be the month in which the birth date of the owner is observed, if the owner is a natural person; if the owner is other than a natural person, the first inspection shall be conducted during the month designated by the director as the registration month for such legal entity. In either case, the second inspection shall be 6 months later.

#### AMENDED ANALYSIS

This bill increases the maximum weight of a truck or school bus requiring a semi-annual inspection.

**HB 634-FN-A**, establishing a dropout prevention number plate. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This was another plate bill. The committee has for many years taken the stance that these bills generate no money for the causes and only cost the Department of Safety a great deal of money to implement. It should also be noted that there is a study committee that will take up all number plate issues. Vote 16-0.

**HB 659-FN**, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements. **OUGHT TO PASS.**

Rep. Jennifer M. Brown for Transportation: This bill exempts motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements. Vehicles in this category are equipped much differently than later models and as a result their inspection cannot be done by regular inspection stations. They drive very few miles and at very low speeds. Their owners often belong to a club and have to have extensive repair knowledge themselves. The committee felt that requiring inspections would be unnecessary. Vote 17-0.

**HB 726-FN-A**, establishing land and community heritage investment program number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: All special license plate legislation now will be taken up by a sub-committee. Based on that fact the committee has chosen to ITL all plate bills at this time, except HB 355. Vote 15-2.

**HB 772**, relative to suspension or revocation of original drivers' licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for Transportation: For over 12 years the commissioner of transportation has been working on graduated licensing laws along with drivers education improvements. We have found that the most effective deterrent to teens disobeying motor vehicle laws is the fact that they will lose their license for 20 days on the first offense. If a true hardship exists the Dept. of Safety will waive the 20 day suspension. Nothing could be more dangerous to our teen drivers than to reduce the suspension from 20 to 7 days. Vote 17-0.

**HB 807**, requiring headlight use when windshield wipers are in use. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill would have required drivers to have their headlights on when windshield wipers are in continuous use because of inclement weather. Current law requires lights to be on whenever rain, snow or fog shall interfere with the proper view of the road. Most makes of vehicles today have automotive lights that are usually on or that come on when wipers are turned on. Some people just flip their wiper switch on to intermediate settings thereby violating the language of the bill if it becomes part of the current law. The committee has had bills similar to this for more than 10 years. All were found not necessary based on today's current law. Vote 17-0.

**HB 918-FN**, relative to motor vehicle registrations for manufacturers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer M. Brown for Transportation: This bill will allow manufacturers of vehicles in New Hampshire to have up to 12 special plates to put on cars after final assembly so that they can be test driven. We now have a manufacturing business in NH who make very small cars. It is necessary for them to drive these cars before sale and these plates will allow them to do that. Vote 16-0.

#### **Amendment (0694h)**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Rulemaking. Amend RSA 21-P:14, III(w) to read as follows:

(w) Registration by motor vehicle manufacturers or dealers, including the posting of bond by a dealer, as authorized by RSA 261:97[~~-(H)~~] **through RSA 261:111-a.**

**HB 501-FN-A**, relative to keno and using keno revenues for college scholarships. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael G. Marsh for Ways and Means: While well intentioned, this legislation appears to have a number of technical problems that would cause problems were it to become law. The bill allows charitable organizations to run keno games of chance, and uses the revenues from these games to help fund college scholarships. The committee heard testimony from the lottery commission that the plan would be unworkable as proposed, because keno must be highly centralized, and doing this through occasional charity games would not work. There was also some question whether the prize limit per game of \$3500, taken from the bingo statute, would work with keno, where odds can run much higher. As all revenues are assigned to a college scholarship fund, there did not appear to be any incentive for charitable organizations to organize keno games. Finally, the committee was informed that directing all revenues to a college scholarship fund may violate Article 6b of Part 2 of the state constitution, which requires that all lottery money be used exclusively for the purpose of state aid to education. Vote 19-0.

**HB 511**, increasing the total prize value of a bingo game or series of games and establishing a study committee on increasing the price of lucky 7 tickets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William A. Hatch for Ways and Means: This bill would increase the value of bingo prizes and establish a study committee on increasing the price of lucky 7 tickets. After consulting with many players and organizations that sponsor the games the committee voted to increase bingo \$500 making a cap of \$4000 per game. The committee concluded an increase for lucky 7 is not appropriate and removed the study committee from the bill. Vote 18-0.

#### **Amendment (0876h)**

Amend the title of the bill by replacing it with the following:

AN ACT increasing the total prize value of a bingo game or series of games.

Amend the bill by replacing all after the enacting clause with the following:

1 Bingo Prizes. Amend RSA 287-E:7, XI to read as follows:

XI. Except as provided in paragraphs XIII and XV, all prizes, tokens, or awards used, given, offered or awarded in connection with any game or series of games conducted on one game date shall not exceed the total value of [~~\$3,500~~] **\$4,000.**

2 Bingo Prizes. RSA 287-E:7, XI is repealed and reenacted to read as follows:

XI. Except as provided in paragraphs XIII and XV, all prizes, tokens, or awards used, given, offered or awarded in connection with any game or series of games conducted on one game date shall not exceed the total value of \$3,500.

3 Study. The pari-mutuel commission shall study the impact of the increase in bingo prizes in RSA 287-E:7, XI and shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2008.

4 Effective Date.

I. Section 2 of this act shall take effect July 1, 2009.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill increases the value of bingo prizes and requests a report from the pari-mutuel commission on increasing the value of bingo prizes.

**HB 635-FN-A**, removing exemptions under the interest and dividends tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael G. Marsh for Ways and Means: The purpose of this bill was to remove a loophole in current tax statutes that could allow a taxpayer to create more than one exemption to the interest and dividend tax by registering a number of limited liability companies or partnerships. The committee heard testimony from the Department of Revenue Administration that this was not a serious problem, as the cost of creating a limited liability company or partnership and filing taxes for it would probably exceed the tax benefit derived by the effort. The committee also heard testimony from two asset management companies that indicated this change could negatively impact the state's goal to attract financial service companies to the state. Finally, there was a concern that the bill might put in jeopardy the state's ability to collect any interest and dividend tax if it was found to be unconstitutional. Vote 18-0.

**HB 784-FN-A**, requiring excess revenue stabilization reserve account funds to be used for a credit against business enterprise and business profits taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W. Davis for Ways and Means: This bill would have required that if the balance in the revenue stabilization exceeded 10% of the general fund unrestricted revenues for the most recently completed fiscal year, then such excess would be used as a credit against business taxes. The committee concerns included the feeling that all taxpayers should be treated equally, and eligibility should not be restricted just to business tax credits, and that the stabilization account would not meet the level for distribution in the foreseeable future. The committee heard additional concerns from DRA including determining a) the increase in restricted revenue, b) the increase in state restricted expenditures, c) the need for additional clarification so that the program could be administered, and d) the additional administrative expenses required to verify and process the tax credits identified in the bill. Vote 17-2.

**HB 844-FN**, authorizing the commissioner of revenue administration to issue demands for records for purposes of interest and dividends tax audits and to seize and destroy unstamped and invalidly stamped tobacco products. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Norman L. Major for Ways and Means: This bill is a technical correction requested by the department of revenue administration. Section 1 of this bill creates Interest and Dividends tax record retention criteria similar to the Federal (I.R.S.) requirements and the New Hampshire Business tax laws. Section 2 of this bill puts a requirement on the Department to hold a hearing if tobacco products are seized. This fulfills the taxpayer's right to be heard in any case where unstamped cigarettes are seized. This provision will also help us to enforce the Tobacco Master Settlement Agreement. The amendment in section 1 changes the record retention requirement to 3 years from 5 years which is the same as the IRS standards for retaining records. Vote 18-0.

### Amendment (0777h)

Amend RSA 77:37, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Preserve such records for the period of 3 years or until any litigation or prosecution under this chapter is finally determined.

**MOTION TO SPECIAL ORDER**

Rep. DeJoie moved that **HB 697**, relative to responsible drug advertising, be made a Special Order for today in its regular calendar order.  
Adopted.

**REGULAR CALENDAR**

**HB 289**, relative to joint agreements for the payment of postsecondary education expenses.  
**MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Edward P. Moran for the Majority of Children and Family Law: The committee majority felt that subjecting an agreement to divorce court enforcement would create a disincentive to voluntary agreements, and that a better approach would be to encourage parties to contribute to a tax advantaged college savings plan on a best efforts basis, much the same way college or charitable pledges are made. New Hampshire has one of the most successful 529 college plans in America. Vote 11-7.

Rep. Carolyn M. Gargas for the Minority of Children and Family Law: The minority supports the ability of parents to make voluntary agreements to provide for post secondary education expenses for children in their divorce decree. This order can be modified if there is a change of circumstances. Current law prohibits parents from making these agreements.

Reps. Gargas and Walz spoke against.

Rep. Moran spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

**YEAS 237 NAYS 108****YEAS 237****BELKNAP**

Allen, Janet	Boyce, Laurie	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Reever, Judith	Russell, David	Thomas, John
Tilton, Franklin	Wendelboe, Fran	Whalley, Michael	

**CARROLL**

Ahlgren, Christopher	Bridgham, Robert	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Cunningham, Howard	Denley, William	Heard, Virginia
Martin, James	Morrow, Harry	Patten, Betsey	Stevens, Stanley

**CHESHIRE**

Burridge, Delmar	Butterworth, Timothy	Chase, William	Dunn, J. Timothy
Hunt, John	Johnson, Jane	Lerandeau, Alfred	Mitchell, Bonnie
Pelkey, Stephen	Robertson, Timothy		

**COOS**

Hatch, William	Ingersoll, Paul Sr	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Remick, William	Stohl, Eric	Toll, John Jr
Thomas, Yvonne			

**GRAFTON**

Almy, Susan	Bleyler, Ruth	Bulis, Lyle	Cooney, Mary
Estes, Carole	Gionet, Edmond	Hammond, Lee	Ingbreton, Paul
Lovett, Sid	Mulholland, Catherine	Preston, Philip	Solomon, Peter
Sorg, Gregory			

**HILLSBOROUGH**

Batula, Peter	Beck, Catriona	Bergeron, Jean-Guy	Brunelle, Michael
Campbell, David	Christensen, Chris	Christiansen, Lars	Clemons, Jane
Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary	Edwards, Andrew
Elliott, Nancy	Emerton, Larry	Essex, David	Fletcher, Richard
Fontas, Jeffrey	Forest, Armand	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Graham, John	Haefner, Robert

Haley, Robert  
 Hebert, Roger  
 Irwin, Anne-Marie  
 Kurk, Neal  
 Long, Patrick  
 McRae, Karen  
 O'Brien, Michael Sr  
 Pilotte, Maurice  
 Rosenwald, Cindy  
 Smith, David  
 Sullivan, Francis  
 Winters, Joel

Hammond, Jill  
 Hinkle, Peyton  
 Jasper, Shawn  
 L'Heureux, Robert  
 Mack, Ron  
 Mooney, Maureen  
 Ober, Lynne  
 Price, Pamela  
 Rowe, Robert  
 Soucy, Connie  
 Tahir, Saghir

Harvey, Suzanne  
 Hogan, Edith  
 Kaelin, Michael  
 Lawrence, James  
 Manney, Pamela  
 Moran, Edward  
 Ober, Russell III  
 Reeves, Sandra  
 Shaw, Barbara  
 Spratt, Stephen  
 Vaillancourt, Steve

Hawkins, Ken  
 Holden, Randolph  
 Kelley, John  
 Levesque, Melanie  
 Marshall, Seth  
 Movsesian, Lori  
 Peterson, Andy  
 Renzullo, Andrew  
 Simon, Anthony  
 Stepanek, Stephen  
 Villeneuve, Maurice

### MERRIMACK

Anderson, Eric  
 Brown, Carole  
 French, Barbara  
 MacKay, James  
 Shurtleff, Stephen

Baxley, Maureen  
 Brueggemann, Donald  
 Hess, David  
 McMahon, Patricia  
 Tilton, Joy

Beauchesne, Suzanne  
 Clarke, Claire  
 Humphries, Charlie  
 Osborne, Jessie  
 Tupper, Frank

Bouchard, Candace  
 Davis, Frank  
 Kidder, David  
 Richardson, Gary  
 Wallner, Mary

### ROCKINGHAM

Abbott, Dennis  
 Belanger, Ronald  
 Carson, Sharon  
 Devine, James  
 Fesh, Bob  
 Garcia, Marilinda  
 Grote, Otto  
 Howard, Doreen  
 Kappler, Lawrence  
 Lister, Charlotte  
 McCarthy, Linda  
 McMahon, Charles  
 Packard, Sherman  
 Rausch, James  
 Sanders, Elisabeth  
 Weare, Everett  
 Wickson, Rick

Allen, Mary  
 Bettencourt, David  
 Casey, Kimberley  
 Dumaine, Dudley  
 Flanders, John Sr  
 Garrity, James  
 Guthrie, Joseph  
 Ingram, Russell  
 Katsakiores, George  
 Lund, Howie  
 McEachern, Paul  
 Moore, Bennett  
 Pantelakos, Laura  
 Reagan, John  
 Serlin, Christopher  
 Welch, David  
 Winchell, George

Baldasaro, Alfred  
 Brown, C. Pennington  
 Dalrymple, David  
 Elliott, Robert  
 Flockhart, Eileen  
 Gould, Kenneth  
 Headd, James  
 Itse, Daniel  
 Katsakiores, Phyllis  
 Major, Norman  
 McKenna, Daniel  
 Nord, Susi  
 Pearson, Mark  
 Robertson, Carl  
 Snow, Richard  
 Wells, Roger

Bedrick, Jason  
 Camm, Kevin  
 Day, Judith  
 Emiro, Frank  
 Forsing, Robert  
 Griffin, Mary  
 Hopfgarten, Paul  
 Johnson, Robert  
 Kennedy, James  
 Marsh, Michael  
 McKinney, Betsy  
 Nowe, Ronald  
 Priestley, Anne  
 Russell, Trinka  
 Waterhouse, Kevin  
 Weyler, Kenneth

### STRAFFORD

Berube, Roger  
 Brown, Julie  
 Grassie, Anne  
 Knowles, William  
 Spang, Judith  
 Watson, Robert

Billian, Deborah  
 Burke, Rachel  
 Hofemann, Roland  
 Mickelonis, Shawn  
 Sprague, Dale

Brown, George  
 DeChane, Marlene  
 Hubbard, Pamela  
 Perry, Robert  
 Smec, Robert

Brown, Jennifer  
 Goodwin, Earle  
 Kaen, Naida  
 Rollo, Michael  
 Wall, Janet

### SULLIVAN

Cloutier, John  
 Phinzy, James

Converse, Larry  
 Rodeschin, Beverly

Houde, Matthew

Jillette, Arthur Jr

### NAYS 108

### BELKNAP

Arsenault, Beth  
 Wood, Jane

Clark, Charles

Flanders, Donald

Pilliod, James

### CARROLL

Butler, Edward

Knox, J. David



**CHESHIRE**

Allen, Peter  
Emerson, Susan  
Roberts, Kris

Butcher, Suzanne  
Espiefs, Peter  
Sad, Tara

Butynski, William  
Parkhurst, Henry  
Weber, Lucy

Eaton, Daniel  
Richardson, Barbara  
Weed, Charles

**COOS**

None

**GRAFTON**

Aguiar, James  
McLeod, Martha

Benn, Bernard  
Nordgren, Sharon

Friedrich, Carol  
Pierce, David

Matheson, Robert

**HILLSBOROUGH**

Barry, Richard  
Daler, Jennifer  
Foster, Linda  
Jean, Claudette  
Kopka, Angeline  
Martineau, Jesse  
O'Neil, James  
Sullivan, Daniel

Bergin, Peter  
Day, Russell  
Gargas, Carolyn  
Katsiantonis, George  
Lasky, Bette  
Matarazzo, Anthony Sr  
Reuschel, Michael  
Ulery, Jordan

Chase, Claudia  
Dokmo, Cynthia  
Hackel, Paul  
Knowles, John  
Leishman, Peter  
Mesa, Lily  
Schulze, Joan  
Velez, Hector

Cote, David  
Drisko, Richard  
Hall, Betty  
Knowles, Mary Ann  
Levasseur, Nickolas  
Messier, Irene  
Shattuck, Gilman

**MERRIMACK**

Blanchard, Elizabeth  
Gile, Mary  
Kjellman, Eleanor Glynn  
Potter, Frances  
Webb, Leigh

DeJoie, John  
Hager, Elizabeth  
Lockwood, Priscilla  
Reardon, Tara  
Wheeler, Deborah

DeStefano, Stephen  
Hamm, Christine  
Owen, Derek  
Ryan, Jim  
Williams, Robert

Ehlers, Eileen  
Kelly, Sally  
Porter, Margaret  
Walz, Mary  
Yeaton, Charles

**ROCKINGHAM**

Borden, David  
Charron, Gene  
Moody, Marcia  
Stiles, Nancy

Buxton, Donald  
DiFruscia, Anthony  
Powers, James

Cali-Pitts, Jacqueline  
Henson, John  
Quandt, Matthew

Case, Frank  
Kepner, Susan  
Splaine, James

**STRAFFORD**

Brown, Larry  
Miller, Joseph  
Smith, Marjorie

Cyr, James  
Rollo, Deanna  
Vachon, Dennis

Fargo, Thomas  
Rous, Emma  
Warren, Nancy

Hutz, Sarah  
Schmidt, Peter

**SULLIVAN**

Donovan, Thomas  
Gottling, Suzanne

Ferland, Brenda  
Nielsen, Ellen

Franklin, Peter  
Skinder, Carla

Gagnon, Raymond

and the majority committee report was adopted.

**HB 519**, requiring children 12 years of age or under to wear personal flotation devices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary E. Walz for the Majority of Children and Family Law: This bill raises from five to twelve the age when children are required to wear personal flotation devices, also known as life jackets, any time they are outside an enclosed cabin on a moving boat or other vessel. Boats with a three foot high enclosed side rail are exempted. This bill passed the House last year. Vote 13-6.

Rep. Edward P. Moran for the Minority of Children and Family Law: New Hampshire Marine Patrol Statistics over the past eight years showed no children ages 12 and under drowned in boating related incidents (the object of this bill). Those 12 and under who did drown did so while swimming or as a result of falling off a dock or an embankment (not included in the bill). Some drowned with flotation devices on. Further evidence indicated that 2 of the 3 major categories of flotation devices would not prevent unconscious people from having their heads submerged, and that the most

supportive was also the most constricting and expensive. The minority felt the statistics spoke eloquently about the level of responsibility shown by adult boaters for the children in their charge, and wondered if a perfect record of responsibility can't prevent legislative intrusion, what is required to be left alone? This seems a good example of where the citizenry who elect us are managing their affairs quite well, but the legislature, in its paternalistic wisdom feels compelled to coerce.

### Majority Amendment (0350h)

Amend the bill by replacing section 1 with the following:

1 Persons 12 Years of Age or Under. Amend RSA 270:30-a to read as follows:

270:30-a Persons [5] **12 Years of Age or Under.** ~~[No person operating or in control of a boat or vessel upon the public waters of the state shall transport a child 5 years of age or under]~~ **No child 12 years of age or under shall operate, control, or be transported on the deck of a boat or vessel which is underway upon the public waters of the state** unless said child is wearing a personal flotation device of a type approved by the United States Coast Guard; provided, however, boats, vessels, and ships with continuous side rails enclosing the perimeter of the boat, vessel, or ship, 3 feet or more in height and enclosed between the deck and the top of the railing in a way that would reasonably prevent passage of a small child are exempted from the provisions of this section.

On a division vote, 301 members having voted in the affirmative and 39 in the negative, the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Campbell requested a roll call; sufficiently seconded.

### YEAS 204 NAYS 135

#### YEAS 204

#### BELKNAP

Arsenault, Beth  
Wood, Jane

Morrison, Gail

Pilliod, James

Reever, Judith

#### CARROLL

Ahlgren, Christopher  
Cunningham, Howard

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward  
Martin, James

#### CHESHIRE

Allen, Peter  
Chase, William  
Lerandeau, Alfred  
Roberts, Kris  
Weed, Charles

Burridge, Delmar  
Dunn, J. Timothy  
Mitchell, Bonnie  
Robertson, Timothy

Butcher, Suzanne  
Eaton, Daniel  
Pelkey, Stephen  
Sad, Tara

Butynski, William  
Espieffs, Peter  
Richardson, Barbara  
Weber, Lucy

#### COOS

Hatch, William  
Thomas, Yvonne

Ingersoll, Paul Sr

Mears, Edgar

Merrick, Evalyn

#### GRAFTON

Aguiar, James  
Cooney, Mary  
Lovett, Sid  
Solomon, Peter

Almy, Susan  
Estes, Carole  
McLeod, Martha

Benn, Bernard  
Friedrich, Carol  
Mulholland, Catherine

Bleyler, Ruth  
Harding, A Laurie  
Pierce, David

#### HILLSBOROUGH

Beck, Catriona  
Daler, Jennifer  
Gargas, Carolyn  
Hackel, Paul  
Hebert, Roger  
Katsiantonis, George  
Kopka, Angeline  
Levesque, Melanie

Bergin, Peter  
Edwards, Andrew  
Garrity, Patrick  
Haley, Robert  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Long, Patrick

Campbell, David  
Essex, David  
Ginsburg, Ruth  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Mack, Ron

Cote, David  
Fontas, Jeffrey  
Gorman, Mary  
Harvey, Suzanne  
Kaelin, Michael  
Knowles, Mary Ann  
Levasseur, Nickolas  
Marshall, Seth

Martineau, Jesse  
O'Brien, Michael Sr  
Rosenwald, Cindy  
Spratt, Stephen

Matarazzo, Anthony Sr  
O'Neil, James  
Schulze, Joan  
Sullivan, Francis

Mesa, Lily  
Pilotte, Maurice  
Shattuck, Gilman  
Velez, Hector

Movsesian, Lori  
Reuschel, Michael  
Simon, Anthony

### MERRIMACK

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
Gile, Mary  
Kidder, David  
Owen, Derek  
Richardson, Gary  
Wallner, Mary  
Williams, Robert

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Hamm, Christine  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Webb, Leigh

Bouchard, Candace  
Davis, Frank  
French, Barbara  
Kelly, Sally  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Howard, Doreen  
Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Russell, Trinka  
Weare, Everett

Borden, David  
Casey, Kimberley  
Gould, Kenneth  
Johnson, Robert  
Lister, Charlotte  
Moody, Marcia  
Pearson, Mark  
Serlin, Christopher  
Weyler, Kenneth

Brown, C. Pennington  
Day, Judith  
Grote, Otto  
Katsakiores, George  
Marsh, Michael  
Moore, Bennett  
Powers, James  
Snow, Richard  
Winchell, George

Buxton, Donald  
DiFruscia, Anthony  
Henson, John  
Kennedy, James  
McEachern, Paul  
Nord, Susi  
Robertson, Carl  
Splaine, James

### STRAFFORD

Billian, Deborah  
Brown, Larry  
Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Srnc, Robert  
Watson, Robert

Brown, George  
Burke, Rachel  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brown, Jennifer  
Cyr, James  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, Julie  
DeChane, Marlene  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Sprague, Dale  
Warren, Nancy

### SULLIVAN

Cloutier, John  
Gottling, Suzanne  
Phinazy, James

Converse, Larry  
Houde, Matthew  
Rodeschin, Beverly

Donovan, Thomas  
Jillette, Arthur Jr  
Skinder, Carla

Franklin, Peter  
Nielsen, Ellen

### NAYS 135

### BELKNAP

Allen, Janet  
Millham, Alida  
Tilton, Franklin

Boyce, Laurie  
Nedeau, Stephen  
Whalley, Michael

Clark, Charles  
Russell, David

Flanders, Donald  
Thomas, John

### CARROLL

Brown, Carolyn  
Patten, Betsey

Chandler, Gene  
Stevens, Stanley

Denley, William

Merrow, Harry

### CHESHIRE

Butterworth, Timothy  
Parkhurst, Henry

Emerson, Susan

Hunt, John

Johnson, Jane

### COOS

Merrick, Scott

Remick, William

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Bulis, Lyle  
Matheson, Robert

Gionet, Edmond  
Preston, Philip

Hammond, Lee  
Sorg, Gregory

Ingbretson, Paul

**HILLSBOROUGH**

Barry, Richard  
Christensen, Chris  
Daniels, Gary  
Elliott, Nancy  
Goley, Jeffrey  
Hawkins, Ken  
Jasper, Shawn  
Manney, Pamela  
Moran, Edward  
Price, Pamela  
Shaw, Barbara  
Sullivan, Daniel  
Villeneuve, Maurice

Batula, Peter  
Christiansen, Lars  
Day, Russell  
Emerton, Larry  
Graham, John  
Hinkle, Peyton  
Kurk, Neal  
McRae, Karen  
Ober, Lynne  
Reeves, Sandra  
Smith, David  
Tahir, Saghir  
Winters, Joel

Bergeron, Jean-Guy  
Coughlin, Pamela  
Dokmo, Cynthia  
Fletcher, Richard  
Haefner, Robert  
Hogan, Edith  
L'Heureux, Robert  
Messier, Irene  
Ober, Russell III  
Renzullo, Andrew  
Soucy, Connie  
Ulery, Jordan

Brunelle, Michael  
Crane, Elenore Casey  
Drisko, Richard  
Forest, Armand  
Hall, Betty  
Holden, Randolph  
Lawrence, James  
Mooney, Maureen  
Peterson, Andy  
Rowe, Robert  
Stepanek, Stephen  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
MacKay, James

Hess, David

Humphries, Charlie

Lockwood, Priscilla

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Charron, Gene  
Elliott, Robert  
Forsing, Robert  
Guthrie, Joseph  
Itse, Daniel  
Major, Norman  
Nowe, Ronald  
Rausch, James  
Waterhouse, Kevin

Baldasaro, Alfred  
Camm, Kevin  
Dalrymple, David  
Emiro, Frank  
Garcia, Marilinda  
Headd, James  
Kappler, Lawrence  
McCarthy, Linda  
Packard, Sherman  
Reagan, John  
Welch, David

Bedrick, Jason  
Carson, Sharon  
Devine, James  
Fesh, Bob  
Garrity, James  
Hopfgarten, Paul  
Katsakiores, Phyllis  
McKinney, Betsy  
Priestley, Anne  
Sanders, Elisabeth  
Wells, Roger

Belanger, Ronald  
Case, Frank  
Dumaine, Dudley  
Flanders, John Sr  
Griffin, Mary  
Ingram, Russell  
Lund, Howie  
McMahon, Charles  
Quandt, Matthew  
Stiles, Nancy  
Wickson, Rick

**STRAFFORD**

Goodwin, Earle

Spang, Judith

**SULLIVAN**

Ferland, Brenda  
and the majority committee report was adopted.  
Ordered to third reading.  
Reps. Infantine and Wendelboe did not vote and notified the Clerk that they wished to be recorded against.

Gagnon, Raymond

**HB 232, prohibiting retaliatory rent increases in manufactured housing parks. OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul McEachern for Commerce: This bill addresses a particularly onerous practice of isolated manufactured housing park owners raising rents due to adverse judgments gained by tenants. In essence it prohibits the practice. It also encourages mediation of disputes between owners and tenants. Vote 10-7.

**Amendment (0844h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to retaliatory rent increases and mediation of manufactured housing park disputes.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Manufactured House Parks; Prohibitions; Rent Increase. Amend RSA 205-A:2 by inserting after paragraph XII the following new paragraph:

XIII. Impose a rent increase that is based, in whole or in part, on the cost to the park owner of a judgment or settlement of a claim arising under this chapter. This paragraph applies to both judgments and settlements of claims arising under this chapter regardless of whether the claims were filed in court or with the board of manufactured housing. No action shall be brought by a tenant under this paragraph if the total amount of all rent increases since the park owner was found to have violated this paragraph is less than \$15.

2 New Section; Manufactured Housing Parks; Mediation. Amend RSA 205-A by inserting after section 2 the following new section:

205-A:2-a Mediation.

I. If a tenant seeks mediation of a dispute between the tenant and park owner relative to a violation of this chapter, and the park owner refuses the tenant's request to mediate or is deemed by the mediator not to have mediated in good faith, and the tenant subsequently prevails in court to remedy the violation of this chapter, the court may:

(a) Award reasonable attorney's fees.

(b) Order that the amount of the judgment be offset against any rent due from the tenant until such judgment is satisfied.

(c) Retain jurisdiction over the case for one year from the judgment.

II. If the tenant files an action in court against the park owner relative to a violation of this chapter without first seeking to mediate the dispute, the tenant shall not be entitled to an award of attorneys fees regardless of the outcome of the litigation.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill prohibits rent increases based on judgments in manufactured housing park disputes. The bill also expands the type of relief available in manufactured housing disputes if the parties first seek to mediate the dispute in good faith.  
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.  
Rep. Nancy Elliott requested a roll call; sufficiently seconded.

#### YEAS 251 NAYS 97

##### YEAS 251 BELKNAP

Arsenault, Beth  
Nedeau, Stephen  
Thomas, John

Flanders, Donald  
Pilliod, James  
Wood, Jane

Millham, Alida  
Reever, Judith

Morrison, Gail  
Russell, David

##### CARROLL

Ahlgren, Christopher  
Cunningham, Howard  
Morrow, Harry

Bridgman, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward  
Martin, James

##### CHESHIRE

Allen, Peter  
Butynski, William  
Espies, Peter  
Richardson, Barbara  
Weber, Lucy

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Roberts, Kris  
Weed, Charles

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Robertson, Timothy

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Sad, Tara

##### COOS

Hatch, William  
Merrick, Scott  
Tholl, John Jr

Ingersoll, Paul Sr  
Remick, William  
Thomas, Yvonne

Mears, Edgar  
Stohl, Eric

Merrick, Evalyn  
Theberge, Robert

**GRAFTON**

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Estes, Carole	Friedrich, Carol
Hammond, Lee	Harding, A Laurie	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Pierce, David	Preston, Philip
Solomon, Peter			

**HILLSBOROUGH**

Barry, Richard	Beck, Catriona	Brunelle, Michael	Campbell, David
Chase, Claudia	Christensen, Chris	Clemons, Jane	Cote, David
Crane, Elenore Casey	Daler, Jennifer	Dokmo, Cynthia	Edwards, Andrew
Essex, David	Fletcher, Richard	Fontas, Jeffrey	Forest, Armand
Gargas, Carolyn	Garrrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Hackel, Paul	Haley, Robert
Hall, Betty	Hammond, Jill	Harvey, Suzanne	Hawkins, Ken
Hebert, Roger	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Kaelin, Michael	Katsiantonis, George	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette	Leishman, Peter
Levasseur, Nickolas	Levesque, Melanie	Long, Patrick	Mack, Ron
Marshall, Seth	Martineau, Jesse	McRae, Karen	Mesa, Lily
Messier, Irene	Moran, Edward	Movsesian, Lori	O'Brien, Michael Sr
O'Neil, James	Peterson, Andy	Pilotte, Maurice	Reeves, Sandra
Reuschel, Michael	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Simon, Anthony	Smith, David
Spratt, Stephen	Sullivan, Daniel	Sullivan, Francis	Velez, Hector

**MERRIMACK**

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	Ehlers, Eileen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Kelly, Sally
Kidder, David	Kjellman, Eleanor Glynn	Lockwood, Priscilla	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Porter, Margaret	Potter, Frances
Reardon, Tara	Richardson, Gary	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary	Walz, Mary
Webb, Leigh	Wheeler, Deborah	Williams, Robert	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Allen, Mary	Borden, David	Brown, C. Pennington
Buxton, Donald	Cali-Pitts, Jacqueline	Case, Frank	Casey, Kimberley
Charron, Gene	Day, Judith	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Gould, Kenneth	Griffin, Mary	Grote, Otto
Henson, John	Howard, Doreen	Johnson, Robert	Katsakiores, George
Kennedy, James	Kepner, Susan	Lister, Charlotte	Marsh, Michael
McCarthy, Linda	McEachern, Paul	McKenna, Daniel	Moody, Marcia
Moore, Bennett	Nord, Susi	Pantelakos, Laura	Powers, James
Priestley, Anne	Robertson, Carl	Russell, Trinka	Sanders, Elisabeth
Serlin, Christopher	Snow, Richard	Splaine, James	Welch, David
Winchell, George			

**STRAFFORD**

Berube, Roger	Billian, Deborah	Brown, George	Brown, Jennifer
Brown, Julie	Brown, Larry	Burke, Rachel	Cyr, James
DeChane, Marlene	Fargo, Thomas	Grassie, Anne	Hofemann, Roland
Hubbard, Pamela	Hutz, Sarah	Kaen, Naida	Knowles, William
Mickelonis, Shawn	Miller, Joseph	Perry, Robert	Rollo, Deanna
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Sprague, Dale	Smec, Robert	Wall, Janet
Warren, Nancy	Watson, Robert		

**SULLIVAN**

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

**NAYS 97****BELKNAP**

Allen, Janet  
Wendelboe, Fran

Boyce, Laurie  
Whalley, Michael

Clark, Charles

Tilton, Franklin

**CARROLL**

Brown, Carolyn  
Stevens, Stanley

Chandler, Gene

Denley, William

Patten, Betsey

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

**COOS**

None

**GRAFTON**

Bulis, Lyle

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

**HILLSBOROUGH**

Batula, Peter  
Coughlin, Pamela  
Elliott, Nancy  
Hogan, Edith  
L'Heureux, Robert  
Mooney, Maureen  
Renzullo, Andrew  
Tahir, Saghir  
Winters, Joel

Bergeron, Jean-Guy  
Daniels, Gary  
Emerton, Larry  
Infantine, William  
Lawrence, James  
Ober, Lynne  
Rowe, Robert  
Ulery, Jordan

Bergin, Peter  
Day, Russell  
Haefner, Robert  
Jasper, Shawn  
Manney, Pamela  
Ober, Russell III  
Soucy, Connie  
Vaillancourt, Steve

Christiansen, Lars  
Drisko, Richard  
Hinkle, Peyton  
Kurk, Neal  
Matarazzo, Anthony Sr  
Price, Pamela  
Stepanek, Stephen  
Villeneuve, Maurice

**MERRIMACK**

Anderson, Eric  
MacKay, James

DeStefano, Stephen

Hess, David

Humphries, Charlie

**ROCKINGHAM**

Baldasaro, Alfred  
Camm, Kevin  
DiFruscia, Anthony  
Fesh, Bob  
Headd, James  
Kappler, Lawrence  
McKinney, Betsy  
Pearson, Mark  
Waterhouse, Kevin  
Wickson, Rick

Bedrick, Jason  
Carson, Sharon  
Dumaine, Dudley  
Garcia, Marilinda  
Hopfgarten, Paul  
Katsakiores, Phyllis  
McMahon, Charles  
Rausch, James  
Weare, Everett

Belanger, Ronald  
Dalrymple, David  
Elliott, Robert  
Garritty, James  
Ingram, Russell  
Lund, Howie  
Nowe, Ronald  
Reagan, John  
Wells, Roger

Bettencourt, David  
Devine, James  
Emiro, Frank  
Guthrie, Joseph  
Itse, Daniel  
Major, Norman  
Packard, Sherman  
Stiles, Nancy  
Weyler, Kenneth

**STRAFFORD**

Goodwin, Earle

Vachon, Dennis

**SULLIVAN**

Rodeschin, Beverly  
and the committee report was adopted.  
Ordered to third reading.

**HB 253**, relative to the use of credit rating for automobile or homeowner insurance. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. DeStefano for Commerce: This bill makes it a discriminatory and unfair insurance trade practice to charge higher premiums for automobile and homeowners insurance based on credit rating. Current law allows the use of credit reports but bad credit cannot be the sole reason for higher premiums. The input for the bill came from a citizen whose credit score was inaccurate and not corrected within 30 days as required by law. The committee felt that this bill was not needed because credit reports are not the only reason for higher rates. Vote 12-2.

Rep. Hatch spoke against.

Rep. DeStefano spoke in favor.

On a division vote, 238 members having voted in the affirmative and 109 in the negative, the committee report was adopted.

**HB 263-FN**, relative to health insurance riders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen P. Spratt for Commerce: This bill provides an alternative option in the individual insurance market for individuals whose only other option would be the high risk pool. The committee saw this as an alternative to becoming uninsured due to the cost of the high risk pool and limited exclusion riders to one specified condition. Vote 15-2.

#### **Amendment (0784h)**

Amend RSA 420-G:5, I as inserted by section 1 of the bill by inserting after subparagraph (k) the following new subparagraph:

(l) Prior to providing coverage under this section, the health carrier shall obtain an acceptance form signed by the member that contains all of the information required by subparagraphs (c), (d), (g) and (i). Unless approved by the commissioner, the acceptance form shall use not less than 12-point type, and shall employ one of the following titles:

- (1) "Notice! See Elimination Rider Endorsement Included Herein."
- (2) "Notice! See Exclusion Rider Included Herein."
- (3) "Notice! See Exception Rider Included Herein."
- (4) "Notice! See Limitation Rider Included Herein."
- (5) "Notice! See Reduction Rider Included Herein."
- (6) "Notice! See Elimination Endorsement Included Herein."
- (7) "Notice! See Exclusion Endorsement Included Herein."
- (8) "Notice! See Exception Endorsement Included Herein."
- (9) "Notice! See Limitation Endorsement Included Herein."
- (10) "Notice! See Reduction Rider Included Herein."

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Nord spoke against.

Rep. Spratt spoke in favor.

On a division vote, 333 members having voted in the affirmative and 16 in the negative, the committee report was adopted.

Ordered to third reading.

**HB 305**, establishing a task force to develop legislation for expanding access to affordable health insurance for the 2008 legislative session. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jill Shaffer Hammond for Commerce: The task force established by this bill brings together a group of legislators, state agencies, policy groups, health care providers, insurance carriers, and consumer interests to study the programs of other states such as Massachusetts and Vermont, and develop legislation for the coming sessions, expanding access to affordable health coverage in New Hampshire. Vote 12-4.

#### **Amendment (0828h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a task force to develop legislation for expanding access to affordable health insurance for the 2008 and 2009 legislative session.

Amend the bill by replacing all after the enacting clause with the following:

1 Task Force. There is established a task force to develop a legislative proposal for expanding access to affordable health insurance for the 2008 and 2009 legislative sessions of the general court.



I. The members of the task force shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) The commissioner of the insurance department, or designee.

(d) The commissioner of the department of health and human services, or designee.

(e) A representative of the governor's office, appointed by the governor.

(f) A representative of the New Hampshire community health centers, appointed by the governor.

(g) A representative of the New Hampshire Hospital Association, appointed by the association.

(h) A representative of the New Hampshire Medical Society, appointed by the society.

(i) A representative of the Endowment for Health, appointed by such organization.

(j) A representative of the New Hampshire Center for Public Policy Studies, appointed by the center.

(k) A representative of the Institute for Health, Law and Ethics at Franklin Pierce Law Center, appointed by the dean of the law center.

(l) A representative of the health insurance industry, appointed by the insurance commissioner.

(m) A representative of small business, appointed by the governor.

(n) A representative of organized labor, appointed by the governor.

(o) A representative of the New Hampshire healthy kids corporation, appointed by the corporation.

(p) A representative of the New Hampshire Citizens Health Initiative, appointed by the governor.

(q) A health care consumer, appointed by the governor.

II. The task force shall solicit information from any person or entity the task force deems relevant to its study.

III. Legislative members of the task force shall be voting members, and other members shall be non-voting members.

IV. Legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

3 Duties. The task force shall analyze and evaluate options and programs for expanding access to affordable health insurance and develop legislation to be proposed in the 2008 and 2009 legislative sessions. Such analysis and evaluation shall include the review of:

I. Laws in other states regarding access to affordable health insurance.

II. Expansion of the New Hampshire healthy kids corporation.

III. Any other matters that the task force deems necessary.

4 Chairperson; Quorum. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named house member. The first meeting of the task force shall be held within 45 days of the effective date of this section. Four voting members, and eleven members of the task force in all, shall constitute a quorum.

5 Report. The task force shall make an interim report with its findings and any recommendations for proposed legislation for the 2008 legislative session on or before November 1, 2007, and a final report with its findings and any recommendations for legislation on or before November 1, 2009 to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a task force to develop legislation for expanding access to affordable health insurance for the 2008 and 2009 legislative sessions.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 676**, relative to interest on deposits required under gasoline franchise agreements. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen P. Spratt for Commerce: The committee felt that this bill addressed a unique situation and that its passage would legislate conditions of contractual agreements. With this in mind the committee voted inexpedient to legislate. Vote 13-4.

Committee report adopted.

**HB 695**, relative to regulation of wireless telephone service providers for consumer protection. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen P. Spratt for Commerce: The committee believed this bill addressed issues which are currently being satisfactorily addressed by disclosures from the issuing companies. These issues are also addressed in CTIA, the consumer code for wireless service. Vote 14-3.  
Committee report adopted.

#### **SPECIAL ORDER**

**HB 697**, relative to responsible drug advertising. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: This bill sought to impose additional warnings on labels and advertising of prescription drugs. This is primarily regulated at the federal level. The amount of advertising originating in New Hampshire that might be affected would not be substantial and this measure would be hard to enforce. The sponsor of this bill brought a similar bill earlier in the session that was defeated by the House. Vote 14-3.

Rep. DeJoie spoke against and yielded to questions.

Rep. Jill Hammond spoke in favor.

Committee report adopted.

#### **REGULAR CALENDAR (CONT'D)**

**HB 713-L**, relative to displaying gasoline and diesel fuel prices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A. Butler for the Majority of Commerce: This bill was requested by the owner of several gas stations. He would like the opportunity to change gas prices remotely and electronically, which is not currently possible on the smaller price signs on the top of the pumps. The majority of the committee agreed that the signs on the top of the pumps are important to consumers. Vote 12-4.

Rep. Joel F. Winters for the Minority of Commerce: On gas pumps, stations are required to post the price of fuel in 4 inch high numbers. The amendment to HB 713 would allow gas stations to provide notice of the fuel price to customers in 10 inch high numbers on a street sign instead. They would still be required to do one or the other; customers would still know how much they were paying for gas. Having considered the facts, the Minority believes that the amended HB 713 is common sense, enabling legislation.

Majority committee report adopted.

**HB 728**, relative to access to wireless telephone records. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce: This bill sought to give private persons access to their cell phone records in case of an emergency. While it is certainly advantageous for law enforcement to have this access when a crime is committed, letting private individuals get this information, possibly through deceptive means such as pretexting, that could then be used detrimentally by an estranged spouse or a stalker, did not seem appropriate. Law enforcement personnel testified at the hearing that the matter should be left to law enforcement professionals. Vote 13-3.  
Committee report adopted.

**HB 738**, requiring insurance coverage for infertility treatments. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert F. Matheson for the Majority of Commerce: The bill requires insurance coverage for infertility diagnosis and treatment up to the birth of a child. The bill as presented leaves out many factors such as age of the women, number of times these procedures should be done if unsuccessful, who would be a likely candidate and other medical factors that are beyond the scope of the committee. Vote 9-4.

Rep. Jill Shaffer Hammond for the Minority of Commerce: Infertility treatments are no longer "experimental medicine." They have a 20-year track record of efficacy and costs have stabilized. It is time that coverage is included for the disease of infertility.

Rep. Crane spoke against.

Rep. Reardon spoke in favor.

Rep. Crane requested a roll call; sufficiently seconded.

**YEAS 237 NAYS 115****YEAS 237****BELKNAP**

Allen, Janet  
Millham, Alida  
Thomas, John

Boyce, Laurie  
Nedeau, Stephen  
Tobin, William

Clark, Charles  
Reever, Judith  
Wendelboe, Fran

Flanders, Donald  
Russell, David  
Whalley, Michael

**CARROLL**

Bridgham, Robert  
Heard, Virginia  
Patten, Betsey

Butler, Edward  
Knox, J. David  
Stevens, Stanley

Chandler, Gene  
Martin, James

Cunningham, Howard  
Morrow, Harry

**CHESHIRE**

Allen, Peter  
Butynski, William  
Emerson, Susan  
Parkhurst, Henry  
Robertson, Timothy

Burridge, Delmar  
Chase, William  
Hunt, John  
Pelkey, Stephen  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Lerandeau, Alfred  
Richardson, Barbara  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris

**COOS**

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Stohl, Eric

King, Frederick  
Tholl, John Jr

Mears, Edgar

**GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
Matheson, Robert  
Pierce, David

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Preston, Philip

Andersen, Gene  
Estes, Carole  
Ingbretson, Paul  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Gionet, Edmond  
Lovett, Sid  
Nordgren, Sharon  
Sorg, Gregory

**HILLSBOROUGH**

Barry, Richard  
Campbell, David  
Clemmons, Jane  
Dokmo, Cynthia  
Emerton, Larry  
Goley, Jeffrey  
Hansen, Ryan  
Holden, Randolph  
Jasper, Shawn  
Knowles, Mary Ann  
Long, Patrick  
Ober, Lynne  
Price, Pamela  
Schulze, Joan  
Spratt, Stephen  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Chase, Claudia  
Cote, David  
Drisko, Richard  
Foster, Linda  
Gorman, Mary  
Hawkins, Ken  
Hunter, Bruce  
Kaelin, Michael  
Kopka, Angeline  
Mooney, Maureen  
Ober, Russell III  
Reeves, Sandra  
Shaw, Kimberly  
Stepanek, Stephen  
Velez, Hector

Bergin, Peter  
Christensen, Chris  
Daniels, Gary  
Edwards, Andrew  
Gargas, Carolyn  
Graham, John  
Hinkle, Peyton  
Infantine, William  
Kelley, John  
Kurk, Neal  
Moran, Edward  
Peterson, Andy  
Reuschel, Michael  
Simon, Anthony  
Sullivan, Daniel  
Villeneuve, Maurice

Brunelle, Michael  
Christiansen, Lars  
Day, Russell  
Elliott, Nancy  
Garrity, Patrick  
Haefner, Robert  
Hogan, Edith  
Irwin, Anne-Marie  
Knowles, John  
L'Heureux, Robert  
Movsesian, Lori  
Pilotte, Maurice  
Rowe, Robert  
Soucy, Connie  
Sullivan, Francis  
Winters, Joel

**MERRIMACK**

Anderson, Eric  
Brown, Carole  
DeStefano, Stephen  
Hager, Elizabeth  
Kidder, David  
Osborne, Jessie  
Shurtleff, Stephen  
Wheeler, Deborah

Baxley, Maureen  
Brueggemann, Donald  
Ehlers, Eileen  
Hamm, Christine  
Lockwood, Priscilla  
Potter, Frances  
Wallner, Mary  
Williams, Robert

Beauchesne, Suzanne  
Clarke, Claire  
Foos, Robert  
Humphries, Charlie  
MacKay, James  
Reardon, Tara  
Walz, Mary

Bouchard, Candace  
Davis, Frank  
French, Barbara  
Kelly, Sally  
McMahon, Patricia  
Richardson, Gary  
Webb, Leigh

**ROCKINGHAM**

Abbott, Dennis  
Borden, David  
Devine, James  
Flanders, John Sr  
Grote, Otto  
Howard, Doreen  
Kappler, Lawrence  
Major, Norman  
Moore, Bennett  
Priestley, Anne  
Sanders, Elisabeth  
Wells, Roger

Bedrick, Jason  
Brown, C. Pennington  
Elliott, Robert  
Forsing, Robert  
Guthrie, Joseph  
Ingram, Russell  
Kennedy, James  
McEachern, Paul  
Nord, Susi  
Rausch, James  
Stiles, Nancy  
Weyler, Kenneth

Belanger, Ronald  
Camm, Kevin  
Emiro, Frank  
Gould, Kenneth  
Headd, James  
Itse, Daniel  
Lister, Charlotte  
McKinney, Betsy  
Nowe, Ronald  
Reagan, John  
Waterhouse, Kevin  
Wickson, Rick

Bettencourt, David  
Carson, Sharon  
Fesh, Bob  
Griffin, Mary  
Hopfgarten, Paul  
Johnson, Robert  
Lund, Howie  
Moody, Marcia  
Packard, Sherman  
Robertson, Carl  
Welch, David

**STRAFFORD**

Brown, George  
Domingo, Baldwin  
Knowles, William  
Rollo, Deanna  
Vachon, Dennis

Brown, Julie  
Grassie, Anne  
Mickelonis, Shawn  
Smith, Marjorie  
Wall, Janet

Brown, Larry  
Hutz, Sarah  
Miller, Joseph  
Spang, Judith  
Watson, Robert

Burke, Rachel  
Kaen, Naida  
Perry, Robert  
Srncic, Robert

**SULLIVAN**

Converse, Larry  
Gottling, Suzanne  
Skinder, Carla

Ferland, Brenda  
Houde, Matthew

Franklin, Peter  
Phinizy, James

Gagnon, Raymond  
Rodeschin, Beverly

**NAYS 115****BELKNAP**

Morrison, Gail

Pilliod, James

Tilton, Franklin

Wood, Jane

**CARROLL**

Ahlgren, Christopher

Brown, Carolyn

Buco, Thomas

Denley, William

**CHESHIRE**

Espieffs, Peter

Johnson, Jane

Sad, Tara

**COOS**

Merrick, Evalyn

Remick, William

Theberge, Robert

Thomas, Yvonne

**GRAFTON**

Bulis, Lyle

Friedrich, Carol

**HILLSBOROUGH**

Batula, Peter  
Daler, Jennifer  
Forest, Armand  
Hall, Betty  
Jean, Claudette  
Leishman, Peter  
Manney, Pamela  
McRae, Karen  
O'Neil, James  
Smith, David

Beck, Catriona  
Essex, David  
Ginsburg, Ruth  
Hammond, Jill  
Katsiantonis, George  
Levasseur, Nickolas  
Marshall, Seth  
Mesa, Lily  
Renzullo, Andrew  
Tahir, Saghir

Coughlin, Pamela  
Fletcher, Richard  
Hackel, Paul  
Harvey, Suzanne  
Lasky, Bette  
Levesque, Melanie  
Martineau, Jesse  
Messier, Irene  
Shattuck, Gilman  
Ulery, Jordan

Crane, Elenore Casey  
Fontas, Jeffrey  
Haley, Robert  
Hebert, Roger  
Lawrence, James  
Mack, Ron  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Shaw, Barbara

**MERRIMACK**

Blanchard, Elizabeth  
Ryan, Jim

Hess, David  
Tilton, Joy

Kjellman, Eleanor Glynn  
Tupper, Frank

Porter, Margaret  
Yeaton, Charles

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Buxton, Donald	Cali-Pitts, Jacqueline
Case, Frank	Casey, Kimberley	Charron, Gene	Dalrymple, David
Day, Judith	DiFruscia, Anthony	Dumaine, Dudley	Flockhart, Eileen
Garcia, Marilinda	Garrity, James	Henson, John	Hutchinson, Karen
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kepner, Susan
Marsh, Michael	McCarthy, Linda	McKenna, Daniel	McMahon, Charles
Pantelakos, Laura	Pearson, Mark	Powers, James	Quandt, Matthew
Serlin, Christopher	Snow, Richard	Splaine, James	Weare, Everett
Winchell, George			

**STRAFFORD**

Berube, Roger	Billian, Deborah	Brown, Jennifer	Cyr, James
DeChane, Marlene	Fargo, Thomas	Goodwin, Earle	Hofemann, Roland
Hubbard, Pamela	Rollo, Michael	Rous, Emma	Schmidt, Peter
Sprague, Dale	Warren, Nancy		

**SULLIVAN**

Cloutier, John	Donovan, Thomas	Jillette, Arthur Jr	Nielsen, Ellen
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and the majority committee report was adopted.

**HB 767**, relative to insurance for volunteer drivers. **OUGHT TO PASS.**

Rep. Stephen P. Spratt for Commerce: Due to the lack of public transportation in New Hampshire, charitable organizations rely heavily on volunteer transportation. This bill recognizes that fact and prohibits denial of insurance for automobiles or homeowner's insurance or a higher premium based on an individual's status as a volunteer driver. Vote 12-3.

Committee report adopted and ordered to third reading.

**HB 790-FN**, relative to dependent coverage under the healthy kids program and establishing the joint legislative oversight committee on insurance expansion initiatives. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for the Majority of Commerce: This bill expands health coverage in family plans to young adults by defining a dependant as one under 26, who is unmarried; has no dependents of his or her own; is a resident of New Hampshire or is enrolled as a full-time student at an institution of higher education. Young adults (18-25) as a group have a high percentage of uninsured while being one of the healthiest and least costly to the health care system. This measure would provide continued coverage to many in state who attend college part time and work part time. By keeping this group insured and in the system, costs overall will be kept down and accounted for; and help encourage this age group to stay in New Hampshire. This bill also includes the intent of HB 78. Vote 8-7.

Rep. John B. Hunt for the Minority of Commerce: This bill represents an insurance coverage mandate that will add significant cost exposure to the business community, which is already struggling to pay health care costs, and may jeopardize existing coverage that dependents up to age 18 presently enjoy today. Employers will be required to continue to pay for family policies for a longer period of time, up to 7 years, or may be forced to make the very difficult economic decision to either require more or all of the premium to be paid by their employers. HB 790 may also have damaging effects on the individual market, which is presently growing and vibrant. The minority considers this bill to be the largest single mandate on business in the past 20 years.

**Majority Amendment (0800h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives.

Amend the bill by replacing all after the enacting clause with the following:

1 Insurance; Young Adults Added. Amend RSA 415:5, I(3) to read as follows:

(3) It purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be

deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any ~~children under a specified age which shall not exceed 18 years and any other person dependent upon the policyholder~~ *dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:*

(a) *Is less than 26 years of age.*

(b) *Is unmarried.*

(c) *Has no dependent of his or her own.*

(d) *Is a resident of New Hampshire or is enrolled as a full-time student at a public or private institution of higher education.*

(e) *Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.*

2 New Subparagraph; Insurance; Young Adults Added. Amend RSA 415:5, I by inserting after subparagraph (3-a) the following new subparagraph:

(3-b)(a) The health insurance contract that provides coverage for a subscriber's dependent, who is a resident of New Hampshire, under which coverage of the dependent terminates at a specific age before the dependent's 26th birthday, on or after the effective date of this section, upon application of the dependent as set forth in subparagraph (c) provides coverage to the dependent after that specific age, until the dependent's 26th birthday.

(b) Nothing in this subparagraph shall be construed to require:

(1) Coverage for services provided to a dependent before the effective date of this section; or

(2) That an employer pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

(c) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age before the dependent's 26th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 26th birthday during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status of subparagraph I(3) of this section during the open enrollment period.

(d) Coverage for a dependent who makes a written election for coverage pursuant to subparagraph (c) of this subparagraph shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(e) Coverage for a dependent provided pursuant to this subparagraph shall be provided until the earlier of the following:

(1) The dependent is disqualified for dependent status as set forth in subparagraph I(3) of this section;

(2) The date on which coverage ceases under the contract by reason of a failure to make timely payment of any premium required under the contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

(f) Nothing in this subparagraph shall be construed to permit a health insurance carrier to refuse a written election for coverage by a dependent pursuant to subparagraph (c), based upon the dependent's prior disqualification pursuant to subparagraph (e)(1).

(g) Notice regarding coverage for a dependent as provided pursuant to this subparagraph shall be provided to a subscriber if:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) By the subscriber's employer:

(A) On or before the coverage of a subscriber's dependent terminates at the specific age as provided in the contract;

(B) At the time coverage of the dependent is no longer provided pursuant to this section because the dependent is disqualified for dependent status as set forth in subparagraph I(3), except this employer notice shall not be required when a dependent no longer qualifies based upon subparagraph I(3)(a) or (c);

(C) Before any open enrollment period permitting a dependent to make a written election for coverage pursuant to subparagraph I(3); and

(D) Immediately following the effective date of this subparagraph, with respect to information concerning a dependent's opportunity, for 12 months after the effective date of this subparagraph, to make a written election to reinstate coverage under a contract pursuant to subparagraph I(3-b)(c)(2).

3 New Section; Health Service Corporations; Dependent Coverage Added. Amend RSA 420-A by inserting after section 10 the following new section:

420-A:10-a Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

(a) Is less than 26 years of age.

(b) Is unmarried.

(c) Has no dependent of his or her own.

(d) Is a resident of New Hampshire or is enrolled as a full-time student at a public or private institution of higher education.

(e) Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. The health insurance contract that provides coverage for a subscriber's dependent, who is a resident of New Hampshire, under which coverage of the dependent terminates at a specific age before the dependent's 26th birthday, on or after the effective date of this section, upon application of the dependent as set forth in subparagraph (b) provides coverage to the dependent after that specific age, until the dependent's 26th birthday.

(a) Nothing in this section shall be construed to require:

(1) Coverage for services provided to a dependent before the effective date of this section; or

(2) That an employer pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

(b) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age before the dependent's 26th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 26th birthday during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status of paragraph I of this section during the open enrollment period.

(c) Coverage for a dependent who makes a written election for coverage pursuant to subparagraph (b) shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(d) Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) The dependent is disqualified for dependent status as set forth in paragraph I of this section;

(2) The date on which coverage ceases under the contract by reason of a failure to make timely payment of any premium required under the contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

(e) Nothing in this section shall be construed to permit a health insurance carrier to refuse a written election for coverage by a dependent pursuant to subparagraph (b), based upon the dependent's prior disqualification pursuant to subparagraph (d)(1).

(f) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber if:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) By the subscriber's employer:

(A) On or before the coverage of a subscriber's dependent terminates at the specific age as provided in the contract;

(B) At the time coverage of the dependent is no longer provided pursuant to this section because the dependent is disqualified for dependent status as set forth in paragraph I, except this employer notice shall not be required when a dependent no longer qualifies based upon subparagraph I(a) or (c);

(C) Before any open enrollment period permitting a dependent to make a written election for coverage pursuant to paragraph I; and

(D) Immediately following the effective date of this subparagraph, with respect to information concerning a dependent's opportunity, for 12 months after the effective date of this subparagraph, to make a written election to reinstate coverage under a contract pursuant to subparagraph II(a)(2).

4 New Section; Health Maintenance Organizations; Dependent Coverage Added. Amend RSA 420-B by inserting after section 8-a the following new section:

420-B:8-aa Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

(a) Is less than 26 years of age.

(b) Is unmarried.

(c) Has no dependent of his or her own.

(d) Is a resident of New Hampshire or is enrolled as a full-time student at a public or private institution of higher education.

(e) Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. The health insurance contract that provides coverage for a subscriber's dependent, who is a resident of New Hampshire, under which coverage of the dependent terminates at a specific age before the dependent's 26th birthday, on or after the effective date of this section, upon application of the dependent as set forth in subparagraph (b) provides coverage to the dependent after that specific age, until the dependent's 26th birthday.

(a) Nothing in this section shall be construed to require:

(1) Coverage for services provided to a dependent before the effective date of this section; or

(2) That an employer pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

(b) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age before the dependent's 26th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 26th birthday during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status of paragraph I of this section during the open enrollment period.

(c) Coverage for a dependent who makes a written election for coverage pursuant to subparagraph (b) shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.



(d) Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) The dependent is disqualified for dependent status as set forth in paragraph I of this section;

(2) The date on which coverage ceases under the contract by reason of a failure to make timely payment of any premium required under the contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

(e) Nothing in this section shall be construed to permit a health insurance carrier to refuse a written election for coverage by a dependent pursuant to subparagraph (b), based upon the dependent's prior disqualification pursuant to subparagraph (d)(1).

(f) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber if:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) By the subscriber's employer:

(A) On or before the coverage of a subscriber's dependent terminates at the specific age as provided in the contract;

(B) At the time coverage of the dependent is no longer provided pursuant to this section because the dependent is disqualified for dependent status as set forth in paragraph I, except this employer notice shall not be required when a dependent no longer qualifies based upon subparagraph I(a) or (c);

(C) Before any open enrollment period permitting a dependent to make a written election for coverage pursuant to paragraph I; and

(D) Immediately following the effective date of this subparagraph, with respect to information concerning a dependent's opportunity, for 12 months after the effective date of this subparagraph, to make a written election to reinstate coverage under a contract pursuant to subparagraph II(a)(2).

5 New Section; Preferred Provider Agreements; Dependent Coverage Added. Amend RSA 420-C by inserting after section 4 the following new section:

420-C:4-a Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

(a) Is less than 26 years of age.

(b) Is unmarried.

(c) Has no dependent of his or her own.

(d) Is a resident of New Hampshire or is enrolled as a full-time student at a public or private institution of higher education.

(e) Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. The health insurance contract that provides coverage for a subscriber's dependent, who is a resident of New Hampshire, under which coverage of the dependent terminates at a specific age before the dependent's 26th birthday, on or after the effective date of this section, upon application of the dependent as set forth in subparagraph (b) provides coverage to the dependent after that specific age, until the dependent's 26th birthday.

(a) Nothing in this section shall be construed to require:

(1) Coverage for services provided to a dependent before the effective date of this section; or

(2) That an employer pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

(b) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age before the dependent's 26th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 26th birthday during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status of paragraph I of this section during the open enrollment period.

(c) Coverage for a dependent who makes a written election for coverage pursuant to subparagraph (b) of this subparagraph shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(d) Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) The dependent is disqualified for dependent status as set forth in paragraph I of this section;

(2) The date on which coverage ceases under the contract by reason of a failure to make timely payment of any premium required under the contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

(e) Nothing in this section shall be construed to permit a health insurance carrier to refuse a written election for coverage by a dependent pursuant to subparagraph (b), based upon the dependent's prior disqualification pursuant to subparagraph (d)(1).

(f) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber if:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) By the subscriber's employer:

(A) On or before the coverage of a subscriber's dependent terminates at the specific age as provided in the contract;

(B) At the time coverage of the dependent is no longer provided pursuant to this section because the dependent is disqualified for dependent status as set forth in paragraph I, except this employer notice shall not be required when a dependent no longer qualifies based upon paragraph I(a) or (c);

(C) Before any open enrollment period permitting a dependent to make a written election for coverage pursuant to paragraph I; and

(D) Immediately following the effective date of this subparagraph, with respect to information concerning a dependent's opportunity, for 12 months after the effective date of this subparagraph, to make a written election to reinstate coverage under a contract pursuant to subparagraph II(a)(2).

6 New Section; Delta Dental; Dependent Coverage Added. Amend RSA 420-F by inserting after section 5 the following new section:

420-F:5-a Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

(a) Is less than 26 years of age.

(b) Is unmarried.

(c) Has no dependent of his or her own.

(d) Is a resident of New Hampshire or is enrolled as a full-time student at a public or private institution of higher education.

(e) Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. The health insurance contract that provides coverage for a subscriber's dependent, who is a resident of New Hampshire, under which coverage of the dependent terminates at a specific age before the dependent's 26th birthday, on or after the effective date of this section, upon application of the dependent as set forth in subparagraph (b) provides coverage to the dependent after that specific age, until the dependent's 26th birthday.

(a) Nothing in this section shall be construed to require:

(1) Coverage for services provided to a dependent before the effective date of this section; or

(2) That an employer pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

(b) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age before the dependent's 26th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 26th birthday during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status of paragraph I of this section during the open enrollment period.

(c) Coverage for a dependent who makes a written election for coverage pursuant to subparagraph (b) shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(d) Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) The dependent is disqualified for dependent status as set forth in paragraph I of this section;

(2) The date on which coverage ceases under the contract by reason of a failure to make timely payment of any premium required under the contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

(e) Nothing in this section shall be construed to permit a health insurance carrier to refuse a written election for coverage by a dependent pursuant to subparagraph (b), based upon the dependent's prior disqualification pursuant to subparagraph (d)(1).

(f) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber if:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) By the subscriber's employer:

(A) On or before the coverage of a subscriber's dependent terminates at the specific age as provided in the contract;

(B) At the time coverage of the dependent is no longer provided pursuant to this section because the dependent is disqualified for dependent status as set forth in paragraph I, except this employer notice shall not be required when a dependent no longer qualifies based upon subparagraph I(a) or (c);

(C) Before any open enrollment period permitting a dependent to make a written election for coverage pursuant to paragraph I; and

(D) Immediately following the effective date of this subparagraph, with respect to information concerning a dependent's opportunity, for 12 months after the effective date of this subparagraph, to make a written election to reinstate coverage under a contract pursuant to subparagraph II(a)(2).

7 New Section; Managed Care; Dependent Coverage Added. Amend RSA 420-J by inserting after section 8-b the following new section:

420-J:8-c Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

- (a) Is less than 26 years of age.
- (b) Is unmarried.
- (c) Has no dependent of his or her own.
- (d) Is a resident of New Hampshire or is enrolled as a full-time student at a public or private institution of higher education.
- (e) Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. The health insurance contract that provides coverage for a subscriber's dependent, who is a resident of New Hampshire, under which coverage of the dependent terminates at a specific age before the dependent's 26th birthday, on or after the effective date of this section, upon application of the dependent as set forth in subparagraph (b) provides coverage to the dependent after that specific age, until the dependent's 26th birthday.

(a) Nothing in this section shall be construed to require:

(1) Coverage for services provided to a dependent before the effective date of this section; or

(2) That an employer pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

(b) A dependent covered by a subscriber's contract, which coverage under the contract terminates at a specific age before the dependent's 26th birthday, may make a written election for coverage as a dependent pursuant to this section, until the dependent's 26th birthday during an open enrollment period, as provided pursuant to the contract, if the dependent meets the requirements for dependent status of paragraph I of this section during the open enrollment period.

(c) Coverage for a dependent who makes a written election for coverage pursuant to subparagraph (b) shall consist of coverage which is identical to the coverage provided to that dependent prior to the termination of coverage at the specific age provided in the contract. If coverage is modified under the contract for any similarly situated dependents for coverage prior to the termination of coverage at the specific age provided in the contract, the coverage shall also be modified in the same manner for the dependent.

(d) Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(1) The dependent is disqualified for dependent status as set forth in paragraph I of this section;

(2) The date on which coverage ceases under the contract by reason of a failure to make timely payment of any premium required under the contract by the subscriber or dependent for coverage provided pursuant to this section. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within a longer period as may be provided for by the contract; or

(3) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

(e) Nothing in this section shall be construed to permit a health insurance carrier to refuse a written election for coverage by a dependent pursuant to subparagraph (b), based upon the dependent's prior disqualification pursuant to subparagraph (d)(1).

(f) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber if:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) By the subscriber's employer:

(A) On or before the coverage of a subscriber's dependent terminates at the specific age as provided in the contract;

(B) At the time coverage of the dependent is no longer provided pursuant to this section because the dependent is disqualified for dependent status as set forth in paragraph I, except this employer notice shall not be required when a dependent no longer qualifies based upon paragraph I(a) or (c);

(C) Before any open enrollment period permitting a dependent to make a written election for coverage pursuant to paragraph I; and

(D) Immediately following the effective date of this section, with respect to information concerning a dependent's opportunity, for 12 months after the effective date of this subparagraph, to make a written election to reinstate coverage under a contract pursuant to subparagraph II(a)(2).

8 New Section; Special Enrollment Period. Persons newly qualified as dependents under RSA 415:5, I(3-b)(c), RSA 420-A:10-a, II(b), RSA 420-B:8-aa, II(b), RSA 420-C:4-b, II(b), RSA 420-F:5-a, II(b) and RSA 420-J:8-c, II(b) as of the effective date of this act shall be eligible to an enrollment period beginning on the effective date of this act and meeting the requirements of RSA 420-G:8.

9 New Section; Oversight Committee Established. Amend RSA 400-A by inserting after section 11 the following new section:

400-A:11-a Oversight Committee Established.

I. There is hereby established a joint legislative oversight committee on insurance expansion initiatives.

II. The committee shall consist of 5 members, 3 of whom shall be members of the house of representatives, appointed by the speaker of the house of representatives, and 2 of whom shall be senators, appointed by the president of the senate. Members shall be appointed for their term of office. All members shall be eligible for reappointment so long as they are qualified under this section. The members shall choose from their number a chairperson, provided that the chair shall rotate biennially between the house and senate members.

III. The committee shall review reports filed by the commissioner and the commissioner of the department of health and human services to monitor the effectiveness and cost of the insurance expansion program. The committee shall submit a written report of its findings, together with any recommendations for legislation, to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house commerce committee and the senate banks and insurance committee on or before November 1 of each year.

IV. Members of the committee shall serve without compensation but shall receive mileage at the legislative rate when attending to the duties of the committee.

10 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill expands the definition of dependent young adults to those who are less than 26 years of age for purposes of insurance coverage.

This bill also establishes the joint legislative oversight committee on insurance expansion initiatives.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Hunt spoke against and yielded to questions.

Rep. Reardon spoke in favor.

Rep. Wallner requested a roll call; sufficiently seconded.

#### YEAS 222 NAYS 135

##### YEAS 222 BELKNAP

Arsenault, Beth

Morrison, Gail

Pilliod, James

Reever, Judith

##### CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward

Cunningham, Howard

##### CHESHIRE

Allen, Peter  
Butynski, William  
Espieles, Peter  
Richardson, Barbara  
Weber, Lucy

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Roberts, Kris  
Weed, Charles

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Robertson, Timothy

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Sad, Tara

**COOS**

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Remick, William

Mears, Edgar  
Theberge, Robert

Merrick, Evalyn  
Thomas, Yvonne

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Almy, Susan  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon

Benn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

**HILLSBOROUGH**

Beck, Catriona  
Chase, Claudia  
Dokmo, Cynthia  
Fontas, Jeffrey  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Mack, Ron  
Mesa, Lily  
O'Neil, James  
Schulze, Joan  
Simon, Anthony  
Velez, Hector

Bergin, Peter  
Clemons, Jane  
Edwards, Andrew  
Forest, Armand  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Knowles, Mary Ann  
Levasseur, Nickolas  
Marshall, Seth  
Moran, Edward  
Pilotte, Maurice  
Shattuck, Gilman  
Spratt, Stephen

Brunelle, Michael  
Cote, David  
Essex, David  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Holden, Randolph  
Katsiantonis, George  
Kopka, Angeline  
Levesque, Melanie  
Martineau, Jesse  
Movsesian, Lori  
Reuschel, Michael  
Shaw, Barbara  
Sullivan, Daniel

Campbell, David  
Daler, Jennifer  
Fletcher, Richard  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Rosenwald, Cindy  
Shaw, Kimberly  
Sullivan, Francis

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
DeStefano, Stephen  
Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Williams, Robert

Beauchesne, Suzanne  
Clarke, Claire  
Ehlers, Eileen  
Hamm, Christine  
MacKay, James  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
Foosse, Robert  
Kelly, Sally  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary

Brown, Carole  
DeJoie, John  
French, Barbara  
Kidder, David  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Wheeler, Deborah

**ROCKINGHAM**

Abbott, Dennis  
Casey, Kimberley  
Flockhart, Eileen  
Howard, Doreen  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Robertson, Carl  
Splaine, James

Borden, David  
Day, Judith  
Forsing, Robert  
Hutchinson, Karen  
Lister, Charlotte  
McKenna, Daniel  
Pantelakos, Laura  
Russell, Trinka  
Wells, Roger

Brown, C. Pennington  
DiFruscia, Anthony  
Grote, Otto  
Kelley, Jane  
Marsh, Michael  
Moody, Marcia  
Pearson, Mark  
Serlin, Christopher

Cali-Pitts, Jacqueline  
Emiro, Frank  
Henson, John  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Powers, James  
Snow, Richard

**STRAFFORD**

Berube, Roger  
Brown, Larry  
Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Warren, Nancy

Billian, Deborah  
Burke, Rachel  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srnc, Robert

Brown, George  
Cyr, James  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

Brown, Jennifer  
DeChane, Marlene  
Hubbard, Pamela  
Mickelsonis, Shawn  
Rollo, Michael  
Spang, Judith  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

**NAYS 135****BELKNAP**

Allen, Janet  
Millham, Alida  
Tilton, Franklin

Boyce, Laurie  
Nedeau, Stephen  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Flanders, Donald  
Thomas, John  
Whalley, Michael

**CARROLL**

Ahlgren, Christopher  
Martin, James

Brown, Carolyn  
Merrrow, Harry

Chandler, Gene  
Patten, Betsey

Denley, William  
Stevens, Stanley

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

**COOS**

King, Frederick

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Andersen, Gene  
Sorg, Gregory

Bulis, Lyle

Gionet, Edmond

Ingbretson, Paul

**HILLSBOROUGH**

Barry, Richard  
Christiansen, Lars  
Day, Russell  
Graham, John  
Hinkle, Peyton  
Jasper, Shawn  
Manney, Pamela  
Ober, Lynne  
Reeves, Sandra  
Soucy, Connie  
Vaillancourt, Steve

Batula, Peter  
Coughlin, Pamela  
Drisko, Richard  
Haefner, Robert  
Hogan, Edith  
Kurk, Neal  
McRae, Karen  
Ober, Russell III  
Renzullo, Andrew  
Stepanek, Stephen  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Crane, Elenore Casey  
Elliott, Nancy  
Hansen, Ryan  
Hunter, Bruce  
L'Heureux, Robert  
Messier, Irene  
Peterson, Andy  
Rowe, Robert  
Tahir, Saghir  
Winters, Joel

Christensen, Chris  
Daniels, Gary  
Emerton, Larry  
Hawkins, Ken  
Infantine, William  
Lawrence, James  
Mooney, Maureen  
Price, Pamela  
Smith, David  
Ulery, Jordan

**MERRIMACK**

Anderson, Eric  
Lockwood, Priscilla

Blanchard, Elizabeth  
Webb, Leigh

Hess, David

Humphries, Charlie

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Case, Frank  
Dumaine, Dudley  
Garcia, Marilinda  
Griffin, Mary  
Ingram, Russell  
Katsakiores, George  
McKinney, Betsy  
Priestley, Anne  
Sanders, Elisabeth  
Welch, David

Baldasaro, Alfred  
Buxton, Donald  
Charon, Gene  
Elliott, Robert  
Garritty, James  
Guthrie, Joseph  
Itse, Daniel  
Katsakiores, Phyllis  
McMahon, Charles  
Quandt, Matthew  
Stiles, Nancy  
Weyler, Kenneth

Bedrick, Jason  
Camm, Kevin  
Dalrymple, David  
Fesh, Bob  
Gleason, John  
Headd, James  
Johnson, Robert  
Lund, Howie  
Nowe, Ronald  
Rausch, James  
Waterhouse, Kevin  
Wickson, Rick

Belanger, Ronald  
Carson, Sharon  
Devine, James  
Flanders, John Sr  
Gould, Kenneth  
Hopfgarten, Paul  
Kappler, Lawrence  
Major, Norman  
Packard, Sherman  
Reagan, John  
Weare, Everett  
Winchell, George

**STRAFFORD**

Brown, Julie

Domingo, Baldwin

Goodwin, Earle

Watson, Robert

## SULLIVAN

Ferland, Brenda                      Rodeschin, Beverly  
and the majority committee report was adopted.  
Referred to the Committee on Finance.

**HB 853**, establishing a commission to study the effect of fiat currency on the wealth of New Hampshire citizens. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen T. Pelkey for the Majority of Commerce: This bill would have no effect or demands on the federal government to change our federal reserve system and therefore would be a poor use of our legislative resources. Although the sponsors' intent is to surface the discussion of fiat currency, the majority of the committee felt strongly that it should not be part of our legislative process. However, in support of the sponsors' intent, Thomas Jefferson was claimed to have said that, "If the American people ever allow private banks to control the issue of their money, first by inflation and then by deflation, the banks and corporations that will grow up around them will deprive the people of their property until their children will wake up homeless on the continent their fathers conquered." With that said, the Federal Reserve (a private bank) which controls our money (paper aka "fiat money" which is defined as inconvertible paper by a government decree which is backed insufficiently by gold and by the levying of future taxes) falls exclusively under the jurisdiction of the United States government, not the State of New Hampshire. Vote 14-1.

Rep. Joel F. Winters for the Minority of Commerce: Establishing a commission to study fiat currency is an idea which deserves support. When the Federal Reserve issues paper currency, the new money is not backed by anything of value, yet we treat it as though these pieces of paper actually had some inherent worth. Over time, as more and more money is printed, the law of supply and demand kicks in: the larger the money supply, the less valuable each piece of paper is worth (inflation). Realizing that this hidden tax hurts the poor most of all by diluting their purchasing power faster than their wages increase, the Minority is unable to support the Majority recommendation. Some of the rising cost of health care, gasoline, and housing can be attributed to inflation; does it not make sense to look at a root cause of these problems which hurt so many New Hampshire families?

Rep. Winters spoke against.

Rep. Pelkey spoke in favor.

Majority committee report adopted.

**HB 860**, relative to maintenance of draft beer equipment. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul McEachern for Commerce: The legislation would have the effect of threatening the existence of independent contractors who now clean the lines of all draught lines in an establishment. It further would hinder diversity in the choices of draught beers available, especially in a small establishment which may only have three or four choices. Vote 14-2.  
Committee report adopted.

**HB 607-FN**, relative to the death penalty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Stanley E. Stevens for the Majority of Criminal Justice and Public Safety: This bill, as usual, was a close vote in the committee. It seeks to repeal the death penalty in Capital Murder cases. New Hampshire, unlike other states that still have the death penalty, has a very narrowly defined law with a very complex procedure that must be followed. It is crafted so as to be applicable only under very narrowly defined circumstances. Opponents argue that since there have been no executions since 1939, it is unnecessary. This speaks more to the fact that the law is so narrowly applied it is not necessary to use the penalty, not that it is inappropriate. One of the major protections provided by current law is to make the death penalty applicable for the murder of a police officer, a judge, or a corrections officer who are acting in their official capacity. For this reason alone, if for no other, this law is a necessary protection for the guardians of our society. Vote 10-8.

Rep. Lee M. Hammond for the Minority of Criminal Justice and Public Safety: Failing to pass this legislation would keep the death penalty in New Hampshire law and keep us in company with Saudi Arabia, North Korea, Iraq, Iran and China rather than in the community of nations, including all of Europe and most of the rest of what we consider the "civilized world." While our state has not had an execution since 1939, it remains an option that should not be part of our contemporary New



Hampshire society. The representatives of all religions who testified before us oppose the death penalty. It only embraces vengeance. It does not act as deterrence. The cost of implementing a single execution far exceeds that of a sentence of life imprisonment without the possibility of parole.

Reps. Lee Hammond and McEachern spoke against and yielded to questions.

Rep. Stevens spoke in favor and yielded to questions.

Rep. Splaine spoke against.

Rep. Pantelakos spoke in favor.

Rep. Splaine requested a roll call; sufficiently seconded.

## YEAS 185 NAYS 173

### YEAS 185

#### BELKNAP

Allen, Janet  
Millham, Alida  
Wendelboe, Fran

Boyce, Laurie  
Russell, David  
Whalley, Michael

Clark, Charles  
Tilton, Franklin

Flanders, Donald  
Tobin, William

#### CARROLL

Brown, Carolyn  
Denley, William  
Patten, Betsey

Buco, Thomas  
Knox, J. David  
Stevens, Stanley

Chandler, Gene  
Martin, James

Cunningham, Howard  
Morrow, Harry

#### CHESHIRE

Burridge, Delmar  
Johnson, Jane

Eaton, Daniel  
Lerandeau, Alfred

Emerson, Susan  
Pelkey, Stephen

Hunt, John  
Roberts, Kris

#### COOS

Ingersoll, Paul Sr  
Stohl, Eric

King, Frederick  
Theberge, Robert

Mears, Edgar  
Tholl, John Jr

Remick, William  
Thomas, Yvonne

#### GRAFTON

Bulis, Lyle  
Solomon, Peter

Estes, Carole  
Sorg, Gregory

Friedrich, Carol

Ingbertson, Paul

#### HILLSBOROUGH

Barry, Richard  
Christensen, Chris  
Crane, Elenore Casey  
Drisko, Richard  
Forest, Armand  
Goley, Jeffrey  
Hansen, Ryan  
Hunter, Bruce  
Kelley, John  
L'Heureux, Robert  
Mooney, Maureen  
Ober, Russell III  
Renzullo, Andrew  
Simon, Anthony  
Sullivan, Daniel  
Villeneuve, Maurice

Batula, Peter  
Christiansen, Lars  
Daniels, Gary  
Elliott, Nancy  
Foster, Linda  
Graham, John  
Hawkins, Ken  
Infantine, William  
Knowles, Mary Ann  
Lawrence, James  
Moran, Edward  
Peterson, Andy  
Reuschel, Michael  
Smith, David  
Sullivan, Francis  
Winters, Joel

Bergeron, Jean-Guy  
Cote, David  
Day, Russell  
Emerton, Larry  
Gargas, Carolyn  
Haefner, Robert  
Hogan, Edith  
Irwin, Anne-Marie  
Kopka, Angeline  
Long, Patrick  
O'Neil, James  
Price, Pamela  
Rosenwald, Cindy  
Soucy, Connie  
Tahir, Saghir

Campbell, David  
Coughlin, Pamela  
Dokmo, Cynthia  
Fletcher, Richard  
Garrity, Patrick  
Haley, Robert  
Holden, Randolph  
Jasper, Shawn  
Kurk, Neal  
Manney, Pamela  
Ober, Lynne  
Reeves, Sandra  
Shaw, Kimberly  
Spratt, Stephen  
Velez, Hector

#### MERRIMACK

Anderson, Eric  
Humphries, Charlie  
Osborne, Jessie  
Webb, Leigh

Brown, Carole  
Kidder, David  
Owen, Derek  
Wheeler, Deborah

DeStefano, Stephen  
Lockwood, Priscilla  
Ryan, Jim

Hess, David  
McMahon, Patricia  
Shurtleff, Stephen

**ROCKINGHAM**

Abbott, Dennis  
 Bettencourt, David  
 Charron, Gene  
 Emiro, Frank  
 Garrity, James  
 Headd, James  
 Itse, Daniel  
 Major, Norman  
 Moody, Marcia  
 Pantelakos, Laura  
 Rausch, James  
 Stiles, Nancy  
 Wells, Roger

Baldasaro, Alfred  
 Buxton, Donald  
 Devine, James  
 Flanders, John Sr  
 Griffin, Mary  
 Hopfgarten, Paul  
 Johnson, Robert  
 Marsh, Michael  
 Moore, Bennett  
 Pearson, Mark  
 Reagan, John  
 Waterhouse, Kevin  
 Weyler, Kenneth

Bedrick, Jason  
 Camm, Kevin  
 Dumaine, Dudley  
 Forsing, Robert  
 Grote, Otto  
 Hutchinson, Karen  
 Kappler, Lawrence  
 McKinney, Betsy  
 Nowe, Ronald  
 Priestley, Anne  
 Russell, Trinka  
 Weare, Everett  
 Wickson, Rick

Belanger, Ronald  
 Carson, Sharon  
 Elliott, Robert  
 Garcia, Marilinda  
 Guthrie, Joseph  
 Ingram, Russell  
 Lund, Howie  
 McMahon, Charles  
 Packard, Sherman  
 Quandt, Matthew  
 Sanders, Elisabeth  
 Welch, David  
 Winchell, George

**STRAFFORD**

Brown, George  
 Hutz, Sarah  
 Rollo, Michael

Brown, Julie  
 Knowles, William  
 Sprague, Dale

Domingo, Baldwin  
 Mickelonis, Shawn  
 Srnec, Robert

Hofemann, Roland  
 Rollo, Deanna  
 Warren, Nancy

**SULLIVAN**

Ferland, Brenda

Gagnon, Raymond

Rodeschin, Beverly

**NAYS 173****BELKNAP**

Arsenault, Beth  
 Wood, Jane

Morrison, Gail

Pilliod, James

Reever, Judith

**CARROLL**

Ahlgren, Christopher

Bridgham, Robert

Butler, Edward

Heard, Virginia

**CHESHIRE**

Allen, Peter  
 Chase, William  
 Parkhurst, Henry  
 Weber, Lucy

Butcher, Suzanne  
 Dunn, J. Timothy  
 Richardson, Barbara  
 Weed, Charles

Butterworth, Timothy  
 Espiefs, Peter  
 Robertson, Timothy

Butynski, William  
 Mitchell, Bonnie  
 Sad, Tara

**COOS**

Hatch, William

Merrick, Evalyn

Merrick, Scott

**GRAFTON**

Aguiar, James  
 Bleyler, Ruth  
 Harding, A Laurie  
 Mulholland, Catherine

Almy, Susan  
 Cooney, Mary  
 Lovett, Sid  
 Nordgren, Sharon

Andersen, Gene  
 Gionet, Edmond  
 Matheson, Robert  
 Pierce, David

Benn, Bernard  
 Hammond, Lee  
 McLeod, Martha  
 Preston, Philip

**HILLSBOROUGH**

Beck, Catriona  
 Clemons, Jane  
 Fontas, Jeffrey  
 Hackel, Paul  
 Hebert, Roger  
 Katsiantonis, George  
 Levasseur, Nickolas  
 Matarazzo, Anthony Sr  
 Movsesian, Lori  
 Schulze, Joan  
 Ulery, Jordan

Bergin, Peter  
 Daler, Jennifer  
 Francoeur, Bea  
 Hall, Betty  
 Hinkle, Peyton  
 Knowles, John  
 Levesque, Melanie  
 McRae, Karen  
 O'Brien, Michael Sr  
 Shattuck, Gilman  
 Vaillancourt, Steve

Brunelle, Michael  
 Edwards, Andrew  
 Ginsburg, Ruth  
 Hammond, Jill  
 Jean, Claudette  
 Lasky, Bette  
 Mack, Ron  
 Mesa, Lily  
 Pilote, Maurice  
 Shaw, Barbara

Chase, Claudia  
 Essex, David  
 Gorman, Mary  
 Harvey, Suzanne  
 Kaelin, Michael  
 Leishman, Peter  
 Martineau, Jesse  
 Messier, Irene  
 Rowe, Robert  
 Stepanek, Stephen

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
Ehlers, Eileen  
Hager, Elizabeth  
MacKay, James  
Richardson, Gary  
Walz, Mary

Beauchesne, Suzanne  
Clarke, Claire  
Foose, Robert  
Hamm, Christine  
Porter, Margaret  
Tilton, Joy  
Williams, Robert

Blanchard, Elizabeth  
Davis, Frank  
French, Barbara  
Kelly, Sally  
Potter, Frances  
Tupper, Frank  
Yeaton, Charles

Bouchard, Candace  
DeJoie, John  
Gile, Mary  
Kjellman, Eleanor Glynn  
Reardon, Tara  
Wallner, Mary

**ROCKINGHAM**

Allen, Mary  
Case, Frank  
DiFruscia, Anthony  
Gould, Kenneth  
Katsakiores, Phyllis  
Lister, Charlotte  
Nord, Susi  
Snow, Richard

Borden, David  
Casey, Kimberley  
Fesh, Bob  
Henson, John  
Kelley, Jane  
McCarthy, Linda  
Powers, James  
Splaine, James

Brown, C. Pennington  
Dalrymple, David  
Flockhart, Eileen  
Howard, Doreen  
Kennedy, James  
McEachern, Paul  
Robertson, Carl

Cali-Pitts, Jacqueline  
Day, Judith  
Gleason, John  
Katsakiores, George  
Kepner, Susan  
McKenna, Daniel  
Serlin, Christopher

**STRAFFORD**

Berube, Roger  
Browne, Brendon  
Fargo, Thomas  
Kaen, Naida  
Schmidt, Peter  
Wall, Janet

Billian, Deborah  
Burke, Rachel  
Goodwin, Earle  
Miller, Joseph  
Smith, Marjorie  
Watson, Robert

Brown, Jennifer  
Cyr, James  
Grassie, Anne  
Perry, Robert  
Spang, Judith

Brown, Larry  
DeChane, Marlene  
Hubbard, Pamela  
Rous, Emma  
Vachon, Dennis

**SULLIVAN**

Cloutier, John  
Gottling, Suzanne  
Phinizy, James

Converse, Larry  
Houde, Matthew  
Skinder, Carla

Donovan, Thomas  
Jillette, Arthur Jr

Franklin, Peter  
Nielsen, Ellen

and the majority committee report was adopted.

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Wendelboe moved that the House reconsider its action whereby it found **HB 607**, relative to the death penalty, Inexpedient to Legislate.

Rep. Wendelboe spoke against.

On a division vote, 152 members having voted in the affirmative and 206 in the negative, the motion failed.

**REGULAR CALENDAR (CONT'D)**

**HB 556**, relative to school emergency response plans. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Shaw for the Majority of Education: The committee recognizes the importance for every public and nonpublic school in the state to have in place a site-specific emergency response plan. Many already have plans, but some do not. This bill provides the opportunity for assistance to the school districts for support in the development, implementation and review of an emergency response plan, as may be needed. Vote 12-6.

Rep. Sharon M. Carson for the Minority of Education: This bill requires that every school district across this state implement an Incident Command System and the National Incident Management System to address a variety of potential disasters that could affect any given school. A minority of the committee agrees school districts should have disaster preparedness plans, but to reference two specific programs with no financial assistance creates an unfunded mandate, a violation of Article 28a of the New Hampshire State Constitution.

Rep. Carson spoke against.

Rep. Barbara Shaw spoke in favor.

On a division vote, 213 members having voted in the affirmative and 142 in the negative, the majority committee report was adopted.  
Ordered to third reading.

The House recessed at 12:55 p.m.

(Speaker Norelli in the Chair)

The House reconvened at 1:55 p.m.

### REGULAR CALENDAR (CONT'D)

**HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Timothy Dunn for the Majority of Education: This bill represents the hard work and deliberative process of a bipartisan subcommittee of the House Education Committee. The committee's philosophical premise underlying this bill is that the crucial policy decision regarding how to define an adequate education needs to be accomplished first and separate from any attempt at determining the specific methodology of costing it. We must first identify the specific content areas that make up an adequate education. This approach also responds to the mandate of the Supreme Court in the Londonderry decision to determine the definition of a constitutionally adequate education by July 1, 2007. This bill defines an adequate education as meeting the New Hampshire school approval standards and curriculum frameworks in nine specific content areas. The committee further believes that kindergarten is an essential component of an adequate education based on the overwhelming research in the field. In fact, the most requested aspect of adequacy given in testimony to the Joint Legislative Task Force was that kindergarten be included in the definition. While including half-day kindergarten, local communities still have flexibility in meeting that requirement, and the Attorney General's office reported to the subcommittee that including kindergarten would not create a 28-A, unfunded mandate problem because the state must pay for adequacy. A bipartisan subcommittee of House Education was assigned the task to review all the bills addressing adequacy and to recommend the best approach to defining adequacy for the state. This bill as amended represents that effort. It is the belief of the majority of the committee that this bill defines with specificity what constitutes an adequate education as required by the Londonderry decision and is costable as required by the court. Furthermore, the bill expresses the clear intent of the committee that when the general court moves on to determining the cost of an adequate education, it should account for the services, educational supports, and instructional resources, including teachers, that are necessary to provide the opportunity for an adequate education. Vote 11-6.

Rep. Sharon M. Carson for the Minority of Education: The committee was charged with the task of defining adequacy; however, the majority has stated that adequacy shall be defined independent of cost. It is the position of the minority of the committee that the Legislature must define adequacy, but that we must also determine the cost, fund it in a constitutional manner and ensure its delivery. While some have put emphasis on the definition, it is poor public policy to not discuss these other issues. The committee amendment to this bill proposes a definition of adequacy including mandatory kindergarten as a component of adequacy, which the courts have never weighed in on, nor suggested should be a part of adequacy. The Attorney General's office explained to the committee that including kindergarten in the definition of adequacy mandates the program statewide, and requires that the state fully fund it. This is a cost driver in the definition, yet one that we are told must be overlooked since it is not appropriate to discuss cost at this time. This will be a large expense borne by the state since kindergarten is not currently required, and several large communities (Hudson, Derry and Salem for example), do not have the facilities, means or existing programs to deal with this new mandate. This overrides local control. Further, the minority of the committee believes that the support for kindergarten should be determined in separate legislation and not be a component of adequacy. The evaluation of fiscal implications has been routine and essential when it comes to the legislative process, and no bill should be passed on without some sort of estimate at the very least. Unless we are prepared to discuss opening a whole new revenue stream, we must be cognizant of the cost of any definition we adopt. A minority of the committee offered an amendment that does much of what was agreed to in the adequacy subcommittee, but it adds specific criteria to the definition of adequacy in terms of hours at the elementary level and

credits at the high school level, similar to state standards. It addresses concerns of costing because it further establishes a legislative committee that is responsible for recommending costs of an adequate education and recommending the amount of aid to be distributed to communities, among other things. The proposed minority amendment more clearly reflects what the Legislature is responsible for in terms of defining and delivering an adequate education to the children of New Hampshire. We ask that the House pass the amendment to be offered by a minority of the committee.

### **Majority Amendment (0900h)**

Amend the bill by replacing all after the enacting clause with the following:

#### **1 Statement of Purpose.**

I. The general court embraces its duty to define a constitutionally adequate public education for every child in the state. The Encouragement of Literature clause of the New Hampshire constitution declares that knowledge and learning spread through a community are "essential to the preservation of a free government," and that "spreading the opportunities and advantages of education" is a means to preserving a free, democratic state. Beyond competencies in reading, writing, and arithmetic, a broad exposure to the social, economic, scientific, technological, and political realities of today's society is essential for New Hampshire students to compete, contribute and flourish in the twenty-first century.

II. The general court finds that a constitutionally adequate education in New Hampshire consists of the substantive education programs half-day kindergarten through twelfth grade that deliver the essential opportunities to acquire skills, competencies, and knowledge in the subject areas of English/language arts and reading, mathematics, science, social studies, the arts, world languages, technology, information and communication technologies, health and physical education. The general court finds that an adequate education should provide every child in New Hampshire with the opportunity to receive these substantive education programs in accordance with the specific criteria and high standards for these education programs that are set forth in the applicable school approval standards. The general court further finds that each child needs a range of services, educational supports, and instructional resources, including credentialed teachers, in order to receive the opportunity for the substantive educational programs that constitute an adequate education.

III. In September 2006, the New Hampshire supreme court ruled in Londonderry School District SAU #12 & a. v. State of New Hampshire that the state had not met its duty to define a constitutionally adequate education for New Hampshire's public school students by not identifying the specific criteria and the substantive education program that delivers the opportunity for an adequate education.

IV. In responding to its responsibility to determine the specific criteria and substantive education program that delivers the opportunity for an adequate education, the general court analyzed the current education delivery system established jointly through the legislative and executive branches. Specifically, the general court reviewed the standards for public school approval and the state's curriculum frameworks. As part of its review, the general court determined which of the standards and curriculum frameworks provide the opportunity for an adequate education. In analyzing the school approval standards and curriculum frameworks, the general court recognized that they were developed with the widespread participation of educators, business people, government officials, community representatives, and parents. As a result of the quality of both the standards and the frameworks, the general court uses them as the basis for its determination of the specific criteria for an adequate education.

V. The general court reviewed and debated numerous bills attempting to determine the specific criteria of an adequate education. An integral part of this legislative process was the gathering of public input through forums throughout the state at which educators, government officials, and members of the public offered their opinions on draft legislation.

VI. The specific criteria for an adequate education, as enacted in this act, are formulated to permit common understanding, foster meaningful application, and allow for objective measurement and assessment.

VII. This act is not intended to stand in isolation from the other statutes and rules, including both state and federal, but instead is one part of a comprehensive system that provides for the delivery of the opportunity for a constitutionally adequate education in New Hampshire.

2 New Section; Substantive Educational Content of an Adequate Education. Amend RSA 193-E by inserting after section 2 the following new section:

193-E:2-a Substantive Educational Content of an Adequate Education.

I. The specific criteria and substantive educational program that delivers the opportunity for an adequate education shall be defined and identified as follows:

(a) The general court establishes within the school approval standards the essential opportunities for educational programs in the following areas:

- (1) English/language arts and reading.
- (2) Mathematics.
- (3) Science.
- (4) Social studies.
- (5) Arts education.
- (6) World languages.
- (7) Health education.
- (8) Physical education.
- (9) Technology education, and information and communication technologies.

(b) The standards shall cover half-day kindergarten through twelfth grade and shall clearly set forth the opportunities to acquire skills, competencies, and knowledge expected to be possessed by students at the various grade levels, including the credit requirement necessary to earn a high school diploma.

(c) Public schools and public academies shall adhere to the standards identified in subparagraph (a).

(d)(1) The general court shall maintain procedures for updating, improving, or refining the standards identified in subparagraph (a), and shall ensure that the high quality of the standards is maintained.

(2) There is hereby established the joint legislative oversight committee on education adequacy which shall consist of 5 members of the house of representatives, appointed by the speaker of the house of representatives, and 5 senators, appointed by the president of the senate. The committee shall review all proposed changes to the school approval standards and the curriculum frameworks which could impact the definition of an adequate education as set forth in this chapter. The committee shall notify the chairpersons of house and senate education committees of any proposed changes to the school approval standards or the curriculum frameworks, and shall provide recommendations regarding these changes to the joint legislative committee on administrative rules. The members of the committee shall receive mileage at the legislative rate while attending to the duties of the committee.

(e) This section shall not prohibit or limit the adoption of additional school approval standards other than those standards identified in subparagraph (a).

(f) The general court requires the state board of education and the department of education to institute procedures for maintaining, updating, improving, and refining curriculum frameworks for each area of education identified in subparagraph (a). The curriculum frameworks shall present educational goals, broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies and knowledge called for by the academic standards for each area of education identified in subparagraph (a). The curriculum frameworks shall serve as a guide and reference to what New Hampshire students should know and be able to do in each area of education. The frameworks do not establish a statewide curriculum. It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the frameworks, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and materials to be used.

(g) In this section, "school approval standards" shall mean the applicable criteria that public schools and public academies shall meet in order to be an approved school, as adopted by the state board of education through administrative rules.

II. The general court shall use this definition of an adequate education to determine the cost of providing essential programs, considering educational needs and community resources. Because students' educational needs and the resources required to provide the opportunity to meet those needs vary from student to student and school to school, the resources needed to provide an adequate education will also vary from school to school, requiring more resources in districts with greater challenges.

3 Reference Changes. Amend the following RSA provisions by replacing "equitable" with "adequate": RSA 21-N:1, II(c); RSA 193:1, I(c); RSA 193-E:1, II; the section heading and introductory paragraph

of RSA 193-E:2; the section heading of RSA 193-E:3; RSA 194-B:3, II(i); RSA 195:14, I(c); RSA 195:14, I(d)(2)-(3); RSA 195:14-a, I; RSA 198:41, II(b); RSA 198:41, III; the section heading of RSA 198:42; RSA 198:42, I-II; RSA 198:43; RSA 198:48; and RSA 198:48-a, VII-VIII.

4 Effective Date. This act shall take effect upon its passage.

Reps. Carson, Ingbreton, Price and Hess spoke against.

Reps. Dunn, Casey, Reeve and Stiles spoke in favor.

Rep. Rous requested a roll call; sufficiently seconded.

## YEAS 223 NAYS 134

### YEAS 223

#### BELKNAP

Arsenault, Beth  
Wood, Jane

Millham, Alida

Morrison, Gail

Reever, Judith

#### CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward

Cunningham, Howard

#### CHESHIRE

Allen, Peter  
Butynski, William  
Espieffs, Peter  
Richardson, Barbara  
Weber, Lucy

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Roberts, Kris  
Weed, Charles

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Robertson, Timothy

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Sad, Tara

#### COOS

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

#### GRAFTON

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
Mulholland, Catherine  
Solomon, Peter

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
Nordgren, Sharon

Andersen, Gene  
Estes, Carole  
Lovett, Sid  
Pierce, David

Benn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Preston, Philip

#### HILLSBOROUGH

Beck, Catriona  
Chase, Claudia  
Dokmo, Cynthia  
Forest, Armand  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Katsiantonis, George  
Kopka, Angeline  
Levesque, Melanie  
Matarazzo, Anthony Sr  
O'Neil, James  
Schulze, Joan  
Simon, Anthony  
Sullivan, Francis

Bergin, Peter  
Clemmons, Jane  
Edwards, Andrew  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Long, Patrick  
Mesa, Lily  
Pilotte, Maurice  
Shattuck, Gilman  
Smith, David  
Velez, Hector

Brunelle, Michael  
Cote, David  
Essex, David  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Mack, Ron  
Movsesian, Lori  
Reuschel, Michael  
Shaw, Barbara  
Spratt, Stephen

Campbell, David  
Daler, Jennifer  
Fontas, Jeffrey  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Kaelin, Michael  
Knowles, Mary Ann  
Levasseur, Nickolas  
Martineau, Jesse  
O'Brien, Michael Sr  
Rosenwald, Cindy  
Shaw, Kimberly  
Sullivan, Daniel

#### MERRIMACK

Baxley, Maureen  
Brown, Carole  
DeJole, John

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen

Bouchard, Candace  
Davis, Frank  
Foosse, Robert

French, Barbara  
Kelly, Sally  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Gile, Mary  
Kidder, David  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Hamm, Christine  
Lockwood, Priscilla  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Casey, Kimberley  
Gould, Kenneth  
Kelley, Jane  
McCarthy, Linda  
Moore, Bennett  
Robertson, Carl  
Splaine, James

Borden, David  
Day, Judith  
Grote, Otto  
Kennedy, James  
McEachern, Paul  
Nord, Susi  
Russell, Trinka  
Stiles, Nancy

Brown, C. Pennington  
DiFruscia, Anthony  
Henson, John  
Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Serlin, Christopher  
Wells, Roger

Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Howard, Doreen  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Snow, Richard

### STRAFFORD

Berube, Roger  
Brown, Julie  
Cyr, James  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srncic, Robert

Brown, George  
Browne, Brendon  
Domingo, Baldwin  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, Jennifer  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Watson, Robert

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

### NAYS 134

### BELKNAP

Allen, Janet  
Nedeau, Stephen  
Tilton, Franklin

Boyce, Laurie  
Pilliod, James  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Flanders, Donald  
Thomas, John  
Whalley, Michael

### CARROLL

Ahlgren, Christopher  
Martin, James

Brown, Carolyn  
Morrow, Harry

Chandler, Gene  
Patten, Betsey

Denley, William  
Stevens, Stanley

### CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

### COOS

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

### GRAFTON

Bulis, Lyle

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

### HILLSBOROUGH

Barry, Richard  
Christiansen, Lars  
Day, Russell  
Fletcher, Richard  
Hansen, Ryan

Batula, Peter  
Coughlin, Pamela  
Drisko, Richard  
Francoeur, Bea  
Hawkins, Ken

Bergeron, Jean-Guy  
Crane, Elenore Casey  
Elliott, Nancy  
Graham, John  
Hinkle, Peyton

Christensen, Chris  
Daniels, Gary  
Emerton, Larry  
Haefner, Robert  
Hogan, Edith



Holden, Randolph  
Kurk, Neal  
McRae, Karen  
Ober, Lynne  
Reeves, Sandra  
Stepanek, Stephen  
Villeneuve, Maurice

Hunter, Bruce  
L'Heureux, Robert  
Messier, Irene  
Ober, Russell III  
Renzullo, Andrew  
Tahir, Saghir  
Winters, Joel

Infantine, William  
Lawrence, James  
Mooney, Maureen  
Peterson, Andy  
Rowe, Robert  
Ulery, Jordan

Jasper, Shawn  
Manney, Pamela  
Moran, Edward  
Price, Pamela  
Soucy, Connie  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric

Hess, David

Humphries, Charlie

MacKay, James

### ROCKINGHAM

Allen, Mary  
Bettencourt, David  
Case, Frank  
Dumaine, Dudley  
Flanders, John Sr  
Gleason, John  
Hopfgarten, Paul  
Johnson, Robert  
Lister, Charlotte  
McMahon, Charles  
Priestley, Anne  
Sanders, Elisabeth  
Weyler, Kenneth

Baldasaro, Alfred  
Buxton, Donald  
Charron, Gene  
Elliott, Robert  
Forsing, Robert  
Griffin, Mary  
Hutchinson, Karen  
Kappler, Lawrence  
Lund, Howie  
Nowe, Ronald  
Quandt, Matthew  
Waterhouse, Kevin  
Wickson, Rick

Bedrick, Jason  
Camm, Kevin  
Dalrymple, David  
Emiro, Frank  
Garcia, Marilinda  
Guthrie, Joseph  
Ingram, Russell  
Katsakiores, George  
Major, Norman  
Packard, Sherman  
Rausch, James  
Weare, Everett  
Winchell, George

Belanger, Ronald  
Carson, Sharon  
Devine, James  
Fesh, Bob  
Garrity, James  
Headd, James  
Itse, Daniel  
Katsakiores, Phyllis  
McKinney, Betsy  
Pearson, Mark  
Reagan, John  
Welch, David

### STRAFFORD

None

### SULLIVAN

Rodeschin, Beverly  
and the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.  
Rep. Wendelboe requested a roll call; sufficiently seconded.

### YEAS 226 NAYS 132

### YEAS 226

### BELKNAP

Arsenault, Beth  
Wood, Jane

Morrison, Gail

Pilliod, James

Reever, Judith

### CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward

Cunningham, Howard

### CHESHIRE

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Richardson, Barbara  
Weber, Lucy

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Roberts, Kris  
Weed, Charles

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Robertson, Timothy

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Sad, Tara

### COOS

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

### GRAFTON

Aguiar, James  
Bleyler, Ruth

Almy, Susan  
Cooney, Mary

Andersen, Gene  
Estes, Carole

Benn, Bernard  
Friedrich, Carol

Hammond, Lee  
McLeod, Martha  
Preston, Philip

Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Lovett, Sid  
Nordgren, Sharon

Matheson, Robert  
Pierce, David

### HILLSBOROUGH

Beck, Catriona  
Chase, Claudia  
Dokmo, Cynthia  
Forest, Armand  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Katsiantonis, George  
Kopka, Angeline  
Levesque, Melanie  
Matarazzo, Anthony Sr  
O'Neil, James  
Schulze, Joan  
Simon, Anthony  
Sullivan, Francis

Bergin, Peter  
Clemons, Jane  
Edwards, Andrew  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Long, Patrick  
Mesa, Lily  
Pilotte, Maurice  
Shattuck, Gilman  
Smith, David  
Velez, Hector

Brunelle, Michael  
Cote, David  
Essex, David  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Mack, Ron  
Movsesian, Lori  
Reuschel, Michael  
Shaw, Barbara  
Spratt, Stephen

Campbell, David  
Daler, Jennifer  
Fontas, Jeffrey  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Kaelin, Michael  
Knowles, Mary Ann  
Levasseur, Nickolas  
Martineau, Jesse  
O'Brien, Michael Sr  
Rosenwald, Cindy  
Shaw, Kimberly  
Sullivan, Daniel

### MERRIMACK

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Kelly, Sally  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kidder, David  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Mary

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Bouchard, Candace  
Davis, Frank  
Foote, Robert  
Hamm, Christine  
Lockwood, Priscilla  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Casey, Kimberley  
Forsing, Robert  
Howard, Doreen  
Lister, Charlotte  
McKenna, Daniel  
Pantelakos, Laura  
Serlin, Christopher  
Wells, Roger

Borden, David  
Day, Judith  
Gould, Kenneth  
Kelley, Jane  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Snow, Richard

Brown, C. Pennington  
DiFruscia, Anthony  
Grote, Otto  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Robertson, Carl  
Splaine, James

Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Henson, John  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Russell, Trinka  
Stiles, Nancy

### STRAFFORD

Berube, Roger  
Brown, Julie  
Cyr, James  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srncic, Robert

Brown, George  
Browne, Brendon  
Domingo, Baldwin  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, Jennifer  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Mickelson, Shawn  
Rollo, Michael  
Spang, Judith  
Watson, Robert

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

**NAYS 132****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Martin, James	Morrow, Harry	Patten, Betsey	Stevens, Stanley

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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**COOS**

King, Frederick	Remick, William	Stohl, Eric	Tholl, John Jr
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**GRAFTON**

Bulis, Lyle	Gionet, Edmond	Ingbertson, Paul	Sorg, Gregory
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**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary
Day, Russell	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Fletcher, Richard	Francoeur, Bea	Graham, John	Haefner, Robert
Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton	Hogan, Edith
Holden, Randolph	Hunter, Bruce	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Manney, Pamela
McRae, Karen	Messier, Irene	Mooney, Maureen	Moran, Edward
Ober, Lynne	Ober, Russell III	Peterson, Andy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Soucy, Connie
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Winters, Joel		

**MERRIMACK**

Anderson, Eric	Hess, David	Humphries, Charlie	MacKay, James
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**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Buxton, Donald	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
Dumaine, Dudley	Elliott, Robert	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Gleason, John
Griffin, Mary	Guthrie, Joseph	Headd, James	Hopfgarten, Paul
Hutchinson, Karen	Ingram, Russell	Itse, Daniel	Johnson, Robert
Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Pearson, Mark	Priestley, Anne	Quandt, Matthew
Rausch, James	Reagan, John	Sanders, Elisabeth	Waterhouse, Kevin
Weare, Everett	Welch, David	Weyler, Kenneth	Wickson, Rick
Winchell, George			

**STRAFFORD**

None

**SULLIVAN**

Rodeschin, Beverly  
and the majority committee report was adopted.  
Ordered to third reading.

### MOTION TO SUSPEND THE RULES

Rep. Hess moved that the Rules be so far suspended to allow referral of **HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education, to the committee on Finance.

Rep. Marjorie Smith spoke against and yielded to questions.

Rep. Whalley spoke in favor.

The Speaker ruled that the motion to suspend the rules was not in order and **HB 927** did not require referral to the committee on Finance.

### MOTION TO PRINT DEBATE

Rep. Daniel Eaton moved that the debate on **HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education, be printed in the Permanent Journal. On a division vote, 332 members having voted in the affirmative and 26 in the negative, the motion was adopted.

### HB 927-FN

#### DEBATE ON MAJORITY AMENDMENT

**Speaker:** The Chair recognizes the Representative from Londonderry, Rep. Carson.

**Rep. Carson:** Thank you, Madam Speaker and at this point I'd like to request a quorum call please.

**Speaker:** Will members please take their seats? The Chair determines that a quorum is present. You may continue.

**Rep. Carson:** Thank you, Madam Speaker and good afternoon. Good afternoon, honorable colleagues. I rise this afternoon to ask your support in overturning the committee report of Ought to Pass on this amendment. I would like to speak as to why. I don't think anyone who has served on House Education in the past, served on the subcommittee, who looked at adequacy, the committee members and probably every member in this Hall, can say that kindergarten is not a good thing. We all realize the benefits of kindergarten and that is not the point of the debate here this afternoon. The point of the debate this afternoon is that by mandating kindergarten in adequacy we are again creating a 28a violation of the New Hampshire state constitution. We have now, with this amendment, mandated kindergartens for the 13 districts in this state that do not have kindergarten and we have not identified a funding mechanism for these communities. Again, this is a clear violation of article 28a of the New Hampshire constitution which states that if the state mandates a program, the state pays all costs and that includes all ongoing costs which in my opinion, could create a possible violation of the equal protection clause and that some communities that have already implemented kindergarten will not receive the same amount of money as the districts that did not implement kindergarten and now will be paid 100% of all their costs. Again, when I spoke to school superintendents on Friday and yesterday about these communities that do not have kindergarten, I was quoted some pretty astronomical figures as to what its going to cost to implement kindergarten. Of the six superintendents that I was able to reach, I was told that it was going to cost for these six communities at least \$50 million dollars to implement kindergarten in these districts. Many of them have problems with space. They are going to either have to add on to an existing building or they are going to have to build a new building. They have to hire teachers. They have to come up with all the supplies, the desks, all of the equipment. They are going to have to pay for teachers benefits. They are going to have to pay for professional development, everything, all the way down the line. In these communities, the voters decided they did not want kindergarten and they decided for a number of reasons. But, again, we are now going to mandate it. We are going to say we are taking away your vote in your community as to whether or not you want kindergarten and we are now saying that the state will mandate it which I feel is a huge issue. So, there are going to be other speakers who are going to speak to other portions of this, but again, I would like your support. This is an unfunded mandate. The committee, the subcommittee, voted three times on this issue. Twice, it was turned down. It was only on the last vote that it was approved. So, please think very carefully about this when you vote. Think about the costs, what its going to cost the taxpayers of this state and how can we, as legislators, in good conscience, pass a law that is going to cost the taxpayers of this state significant dollars and not even have the courage to tell them how much its going to cost. Thank you.

**Speaker:** The question before the House is on the majority committee amendment. The Chair recognizes the representative from Keene, Representative Dunn.

**Rep. Dunn:** Thank you, Madam Speaker. Good afternoon members of the General Court. I rise today in support of the majority amendment. The Londonderry court case offers us a unique opportunity to do something we've never done. That is, of course, to define an adequate education. Beyond that, the court mandated that we do it before we concern ourselves with money. Doing it that way was difficult. As the subcommittee members were making points we would inadvertently say something about money or funding. We constantly needed to remind ourselves and each other that that was not a part of the court's directive at this point. Figuring out the cost and funding were steps two and three of the process to happen at a later date. Our mission then was to include all aspects of education we felt constituted an adequate education in the state of New Hampshire. The court further stipulated the definition be clear, specific, substantive, easily understood and easy to figure out costs. Because we have listed programs and stressed the fact that this definition is for every child in the state, establishing costs will be relatively easy to accomplish. In short, the courts directive was simple. Make sound educational policy the priority, not money. The amendment offered by the majority of the Education Committee, we think, meets all of these requirements. The subcommittee worked arduously, narrowing to meet the guidelines of the supreme court. We retained eight bills to use for information and guidance. Several of those bills contained more than the definition so the subcommittee chose to use HB 927 as less cutting was necessary and the others could be used in the next steps. General bipartisan agreement held that we would focus on curriculum, instruction and subject areas that matched 193-E:2, supported by state standards for school approval and state frameworks. As we proceeded, the subcommittee got guidance from the attorney general's office and from house counsel regarding aspects of the court's Londonderry decision. The joint task force on adequate education also became a source of information for us. Our greatest disagreement came when deciding to include kindergarten. The majority of the subcommittee agreed that kindergarten was necessary to include. The minority disagreed. When the subcommittee reported their work to the full committee, the same objection was raised. The objection is, was, that it raised a 28a issue. According to a representative from the attorney general's office, there is no issue here. The state involvement with education predates the passage of 28a and it didn't apply to many other changes in school standards when costs then were well known. They don't now. This amendment comes forward with bipartisan support from the House Education Committee and from the Senate members of the task force. I hope that you can see the honest effort put forth and agree and press the green button. Thank you, Madam Chairman and I will take no questions.

**Speaker:** The question before the House is on the majority committee amendment. The Chair recognizes the member from Haverhill, Representative Ingbreton.

**Rep. Ingbreton:** Thank you, Madam Speaker. I rise to oppose the majority report, but I don't represent the minority blurb. I represent a considerably different position. In the 1993 Claremont decision, the New Hampshire supreme court decided to change New Hampshire's historic education formula when it ruled that the encouragement of literature clause of the state constitution imposes duty on the state to "provide constitutionally adequate education to every educable child in public schools in the state and to guarantee adequate funding." The court's word "provide" again, going against two hundreds years of New Hampshire precedent, means that the state must assume responsibility for all elements of education now accomplished by local districts including the hiring of teachers, providing and maintaining school buildings, busing, etc. As many of you know, the implications of a state takeover have been studiously avoided by governors and legislators ever since that 1993 ruling. In December of 1997, the court further determined that local property taxes can't be used to pay for what the court described as the state's guaranteed funding obligation. Those among us happy to dispense of local control and especially with those darn local school property taxes might want to think again. The centralized education model which the court prescribed for New Hampshire is similar to systems employed by California and Hawaii. California and Hawaii scored dead last in education ranking in a recent study by the US Chamber of Commerce. Kentucky, from which the court got its adequacy outline, ranked no better than a D on that report. On the other hand, the same Chamber of Commerce study ranks New Hampshire among the top three states for educational quality. I submit that this is at least partly because education in New Hampshire is still a local function driven by and administered through local school boards, the cost being paid through local property taxes. Presentations before the Education Committee suggested that the court's approach would lower property taxes. In New Jersey the same promise was made and New Jersey's property taxes, which at that time were the highest in the nation, dropped for a while. Now, as with other states following this process, they are right back where they were. Many of us

in the New Hampshire House and Senate as well as the Governor have embraced the court's education adequacy model. This choice, I believe, will cost about \$9,000 per child and require \$1.2 billion in new state spending. This all but guaranteed to fail state run education system will require the imposition of state taxes and income taxes, state sales and income taxes because proposed revenue from other sources, including gambling, won't produce enough money to fund it, but if loss of local control and new higher taxes was all, that would be bad enough. To me, as a legislator, the part that makes no sense is giving the courts, against all historic precedent, the final say about what New Hampshire's education policy should look like. Even a court review of the Claremont litigation demonstrates that the contention of the court will defer to the legislative definition of adequacy cannot be taken seriously. In response to Claremont I, the state board of education wrote a definition of an adequate education. In Claremont II the court struck down that definition without even ever giving any substantive reasons why the definition wasn't any good and then decreed that a definition of an adequate education must be based on seven guidelines taken from a 1989 decision based by the supreme court of Kentucky. The legislature then dutifully wrote a definition that heralded the Kentucky case in Londonderry...I'm sorry, in the Londonderry one the court rejected that definition because it did not allow for an objective determination of cost and told the legislature that it had until July 1, 2007 to write a proper definition, or else. The courts jurisprudence makes it clear that it considers any legislative definition of an adequate education merely a rough draft for the court to edit as it sees fit. If you care about quality education for New Hampshire's kids, if you care about our tax advantage and if you care about our legislative prerogatives, you should be fighting this court mandated state takeover tooth and nail. Thank you very much.

**Speaker:** The question before the House is on the majority committee amendment. The Chair recognizes the member from East Kingston, Representative Casey.

**Rep. Casey:** Thank you, Madam Speaker. Honorable colleagues of the House, in the interest of sound educational policy and to respond to the supreme court mandate this bill defines what constitutes an adequate education by focusing on the specific curriculum, content and program which make up an adequate education. These curricular programs are English, Language Arts and Reading, Mathematics, Science, Social Studies, Arts Education, World Languages, Health Education, Physical Education, Technology Education and Information and Communication Technologies. The committee understood that the opportunity for this education is an obligation to each and every child. The committee intends that the opportunity for each child to have an adequate education necessitates that every child is provided with a wide range of services, educational supports and instructional resources. That intent is clearly established in the statement of purpose section. As our goal in this phase is to define the specific content that makes up an adequate education, we did not identify the specific services, supports and instructional resources required. The committee saw these as items as key aspects that need to be taken into account when the legislature develops its costing methodology in the next phase of the process. The committee's clear intent, however, is that when the legislature adopts a specific costing methodology that it needs to account for the services, supports and instructional resources that give students the opportunity to access an adequate education including, among other things, special education, English as a second language, guidance services and qualified teachers with appropriate professional development. Finally, the committee wanted to make sure the legislature has some oversight beyond the rule making authority process by establishing a joint legislative oversight committee on education adequacy which would review changes to the standards for school approval and the curriculum frameworks and address those which would have an impact on the definition. Who we are as a state, who we are as a people is directly mirrored by the aspirations and accomplishments of our children. By cherishing their education, we cherish them. We cherish them and directly link our history with our future. I respectfully urge my fellow House colleagues to support the amendment and subsequently the bill as amended. Thank you, Madam Speaker.

**Speaker:** The question before the House is on the majority committee amendment. The Chair recognizes the member from Nashua, Representative Price.

**Rep. Price:** Thank you, Madam Speaker. Members of the House, I rise in opposition to the majority amendment on HB 927. I oppose this amendment for a number of reasons. You have already heard the discussion about kindergarten. The minority does not believe that this bill is the place to discuss kindergarten. Secondly, the minority believes that this bill lacks the details and the specific criteria which are necessary at this point in the process. When you look at the definition of adequacy, you see a number of educational programs. The previous speaker already discussed the

programs that are included there and we further refer to the school approval standards and the curriculum frameworks. These are the elements that are determined to provide an opportunity for an adequate education. The majority blurb states that the bill expresses the clear intent of the committee and as my colleague stated that it is easily costable but when you look at some of the criteria and the elements which are included in the majority blurb, it should be clear that it's not at all clear what we are discussing. If you look at teachers and costs, are we including a first year credential teacher? The state of New Hampshire believes that a teacher who is out of school and receives a credential is good enough to teach in our schools. Is that what we are going to use to cost and define an adequate education or will we be using a fourth year teacher as was discussed in committee? How about the inclusion of benefits? Benefits are an item which is negotiated locally, should they be included or not? Professional development and some of the other aids to teaching, do you include the full dollar amount of these items or do you include a specific allotment? Perhaps \$50 an item? It should be clear that this bill has not gone to the level that the minority feels is important, has not made the policy decisions that we believe are important and is not easily costable. Cost is a consideration and it is routine with every decision that we make and to look at this bill at face value, we have no idea what we are voting for. Many in the minority had a great deal of problems with that. And, finally, the legislature has the authority to set policy. That includes education funding policy. However, set forth within the standards of adequacy, are the two elements I spoke about earlier, the school approval standards and the curriculum frameworks. Those are set by the executive branch, the state board of education and the department of education has the authority to change those items. The majority amendment will deal with those changes and oversight through the oversight committee and request that a joint education oversight committee review the changes and make recommendations to JLCAR. The minority believes that this is not strong enough, that we should retain full authority over the changes made to the adequacy policy. So for these reasons, I rise in opposition and ask that you please vote down the majority amendment so that we may take up a minority amendment which will address many of the items that we believe need to be detailed in this bill. Thank you, Madam Speaker.

**Speaker:** The question before the House is on the majority committee amendment. The Chair recognizes the member from Laconia, Representative Reeve.

**Rep. Reeve:** Thank you, Madam Speaker. Honorable colleagues I rise to support the idea of public kindergarten in our definition of adequate education. As I reflect on it, I felt a bit like Rip Van Winkle who, upon having awakened, has found that the debate has not changed but it is still going on. I served from 1976 until 1997 on the Laconia school board. In 1990 we had a year of significant budget cuts and our board decided to eliminate kindergarten. It was not a decision I take any pride in now. It was one of the only programs that we offered that was not mandated by the state and we had few other choices. We had already agreed to cut 29 teaching positions and football. We had no idea what an expensive cut that would turn out to be. The term short sighted comes to mind when I think back on it. Years later, they were still tracking that class throughout their time at Laconia school district. They found the class had overall lower scores and grades and needed much more individual attention. Four years ago, I was pleased and proud that during my time on the state board of education we voted to include kindergarten as one of the minimum standards of the educational approval of schools in the state of New Hampshire. Before the standards moved on to the legislature and after three of us left the board a new board voted to overturn that vote. They felt that the political cost of its inclusion would jeopardize the remaining standards. This is not a new debate in the state of New Hampshire and I'm well aware that this is not really a debate about the value of kindergarten, but a debate about whether the state can afford to fund kindergarten. Research has shown that kindergarten is educationally sound and effective. Several long term studies on the effects of kindergarten have shown the following outcomes for students: more students completed high school; they performed higher on achievement tests; they are better behaved in classrooms; they are more interested and curious; they place greater value on learning; they have higher occupational aspirations and expectations; and there are a decreased number of retentions in grade. In every other state in our nation, public kindergarten is available to all five year olds. The fact is that most of the country has moved on from the debate about kindergarten and is looking in investing in public preschool programs. Kindergarten is not just a sound educational policy, it is a sound fiscal policy. Studies tell us that every dollar we spend in the early years yields a significantly higher return than those dollars spent later so maybe the question should be can we

afford not to have kindergarten? I would like to close with some lines taken from All I Really Need to Know, I Learned in Kindergarten by Robert Fulghum. It was originally read on the floor of the US Senate. *"All I really needed to know about how to live and what to do and how to be, I learned in kindergarten. Share everything. Play fair. Don't hit people. Put things back where you found them. Clean up your own mess. Don't take things that aren't yours. Say you're sorry when you hurt somebody. Wash your hands before you eat. Flush. Warm cookies and cold milk are good for you. Live a balanced life. Learn some and think some and draw and paint and sing and dance and play and work every day some. Take a nap every afternoon. When you go out in the world, watch out for traffic. Hold hands and stick together. Be aware of wonder. Remember the little seed in the Styrofoam cup. The roots go down and the plant goes up and nobody knows how or why. We are all like that. Goldfish and hamsters, white mice and even the little seed in the Styrofoam cup, they all die and so do we. And then remember Dick and Jane and the first word to ever learn. The biggest word of all - look. Everything you need to know is in there somewhere. The golden rule and love and basic sanitation, ecology and politics and equality and sane living and it is still true. No matter how old you are when you go out in the world, it is best to hold hands and stick together."* Please press the green button for the inclusion of kindergarten and our definition of adequacy. Thank you.

**Speaker:** The question is on the majority committee amendment. The Chair recognizes the member from Hooksett, Representative Hess.

**Rep. Hess:** Thank you, Madam Speaker. Before I get into the substance of this legislation, I need to address a more immediate problem or issue. A number of you on both the right and the left, I know it is reversed, have approached me quizzically to ask why the change in (my) appearance. A number of you have asked the same questions with your looks. All I can tell you is this. Several days last week my wife and I were visiting our youngest son and his significant other and it occurred to me in order to have more rapport with the majority party in the House perhaps I ought to look more like some of you. And in that way perhaps gain more adherence to my cause than I might otherwise achieve in my previous appearance. Judging by the number of favorable comments I have heard from my colleagues on the left, apparently it's working to some extent. But I rise Madam Speaker, fellow members to urge you to vote "no" on the pending question regarding the committee amendment to 927 in order that we may take up the minority committee amendment which is printed in your calendar immediately behind the majority opinion at the end of your calendar. I do so for four reasons. First of all, the amendment that was adopted by the subcommittee and the committee goes far beyond the original bill as introduced before the education committee and as supported by the Governor. That bill as the Governor explained to us was relatively simple. It attempted to incorporate and define adequacy by reference to certain minimal school standards and curriculum frameworks that are contained in the department of education administrative rules. This amendment goes much, much further. It adds an entirely new dimension to the debate, kindergarten. And let's be clear again about what the debate is about. It is not about whether kindergarten is good or bad, it's about whether kindergarten should be a part of adequacy. I submit to you that we should certainly support kindergarten and encourage kindergarten like we have over the last decade, but it does not belong in the definition of adequacy. Of the nine supreme court decisions that have addressed the issue of adequacy, starting in 1993, kindergarten is not mentioned once, not once. If we are to adopt the minimum school approval standards and the curriculum frameworks, what do they have to say about kindergarten? Let me read it to you, it takes about fifteen seconds. It consists of two lines and two sentences. "Kindergarten - education rule 306.25 - every district shall strive to offer at least a half a day kindergarten program to every eligible student. A kindergarten program shall comply with all of the pertinent provisions of Ed 306." There is no provision in our administrative rules, in our minimum school standards regarding kindergarten. This is breaking new ground, ladies and gentlemen. This is expanding exponentially the issue of what is an adequate education and what the courts and previous entities have addressed as an adequate education. Secondly, by adding kindergarten or a half a day of kindergarten, this amendment creates a financial drain on the state budget and on the resources of the state. It is a mandate. Whether it be considered a mandate under 28a or a mandate as part of the definition of adequacy, it is a mandate and the supreme court has said, repeatedly, whatever the state identifies as consisting of an adequate education, the state has to pay for it. Not part of it, not a substantial part of it, but all of it. And if you adopt a definition of adequacy, which includes kindergarten or a half a day of kindergarten, you are adding a new dimension that never existed in either the case law of the supreme



court or in the minimum school standards before. That creates a clear cost factor. How much? A rough estimate is in the neighborhood of \$70 million or more because not only do we have to pay for kindergarten for the five or six towns that have not adopted it yet, if it is part of adequacy, we have to pay the entire cost of a half a day of kindergarten for every one of the 13,000 children who will be enrolled in public kindergarten should this be adopted. You can do it on the back of the envelope, divide the average cost of an elementary school student by half, multiply it by 13,000 and the figure comes up to roughly \$70 million give or minus some money. The size of this mandate is obfuscated by the generalized language of the amendment, but make no mistake about it, it is there. A third reason that I would like you to vote against this proposed amendment and take up the minority amendment is because this amendment flies in the face of the words of Governor Lynch in his State of the State address and in the spirit and the actions of Governor Jeanne Shaheen when she initially introduced kindergarten language and worked effectively for its passage. As the Governor told us in his State of the State address on February 15, we want to find New Hampshire solutions based upon New Hampshire values and traditions that continue to give us the New Hampshire advantage. A mandate from above is not in the New Hampshire tradition. It is not part of the New Hampshire values. Governor Shaheen knew that and she realized that the way to expand and spread kindergarten in this state was through voluntary programs extending the carrot to attract school districts to adopt that and that has been very successful. It has been very successful, only five school districts, I think, perhaps six, still don't have public kindergarten, the vast majority of our state does. This is the imposition of a decision from above. It violates local control, it violates the concept that government and education is best when it's closest to the people and when it reflects the concerns and desires of the local population. Finally and perhaps most importantly, this amendment has what I consider to be a fatal flaw. And the flaw is how adequacy is going to be defined as we go down the road. Let me direct your attention, if you wish to follow with me, to the specific language. It's contained on page 635 in section 2, paragraph Roman I-D of the amendment. Basically what this language does is abdicates legislative responsibility for the further definition of adequacy and places it in the first instance in un-elected bureaucrats entirely within the executive branch of government, mainly in the department of education because what this amendment does is adopt the administrative rules for minimum school standards and curriculum frameworks and provides that there will only be legislative oversight of any changes and they occur every five or six years if a select group of ten legislators thinks it warrants review and then brings it to the attention of JLCAR for possible action. This bill would abdicate your right and your responsibility and your authority to decide adequacy and delegate it to administrative entities and individuals in the department of education subject to only ten legislators' oversight and they may miss something or they may agree with what the administrators have done and so will not raise an issue. Meanwhile the definition of adequacy changes and you have not had one opportunity to vote for it. Folks, that is wrong, that is just plain wrong. It is an abdication of our responsibility. It's not the way we pass legislation here and it's just not right. In conclusion, I would urge you to vote "no" and press the red button on this amendment. If we want to maintain legislative oversight over adequacy, you can do it very simply, you can adopt language such as "no amendment modification or revision of any kind shall be made to the provisions of this section except through legislation enacted by the general court." That happens to be in the minority amendment which we hope you will consider after voting this amendment down. There are a lot of specific things that you can include in this legislation such as class size, qualifications of teachers, number of hours devoted to the particular core curriculum for adequacy. That can be done very easily and if you want to see an example of how that can be done, look at the minority report. Instead we have this generalized statement which makes every possible attempt to avoid the discussion about cost and let me tell you, the most important difference of opinion in the subcommittee on this issue was not about kindergarten, it was about putting off cost and discussion of cost until some later date. Every member of the subcommittee in every discussion ultimately talked about cost, whether they wanted to or not. It was only through a straightjacket limitation on discussion that cost was not discussed, but with kindergarten in here, there is no question that we are talking about mandated additional cost. To my friends in the majority, I suggest to you that what we are being asked to do with this amendment is buy into the colloquial phrase of pig in a poke. It is general, it is vague, it not susceptible to ready definition, it is not susceptible to being costed out in its present form and I urge you for all the reasons previously stated to vote "no" and press the red button so that we can get into specifics and discuss the details of what an adequate education should be with the second amendment. Thank you.

**Speaker:** The question before the House is on the majority committee amendment. We are down to our last speaker and a roll call has been requested so I would ask the Sergeant at Arms to encourage people to take their seats. The Chair recognizes the member from Hampton, Representative Stiles.

**Rep. Stiles:** Thank you, Madam Speaker. Honorable colleagues, I had the opportunity to serve on several of the subcommittees that helped develop HB 927. You have already heard the process that was used to arrive at the components included in HB 927. They were from school approval standards and curriculum frameworks. Subcommittee members know how I struggled with the inclusion of the half-day kindergarten in the definition. From a policy perspective, all of the research solidly indicates the value of early education and kindergarten curriculum is identified in our frameworks. It also provides the opportunity to identify areas that individual students may be struggling with so that supports can be given early in the process to avoid more expensive interventions later which come at a higher cost to both students and to the communities. I realize there is a perception that the inclusion of a half-day kindergarten will create un-funded costs at the local level. All but 11 of our communities in New Hampshire either have or are in the process of having kindergarten. 25 of our communities have actually moved to a full day kindergarten. The full day kindergarten would allow more time for curriculum as well as individual creativity. There is nothing in this bill that would require a school district to hire staff, to house within, to build, and to provide for the opportunity to access public kindergarten. I refer you to RSA 193:1- compulsory attendance. Compulsory attendance requires that any child at least 6 years of age attend public school. This still allows the prerogative of the parent to make the decision about kindergarten attendance. There is also nothing in this bill that prohibits local school districts from entering into contractual agreements with private non-sectarian kindergartens to accomplish the task of providing the opportunity to attend a half-day kindergarten maintaining local control options. For this and other reasons, I urge your support of HB 927. Thank you.

### REGULAR CALENDAR (CONT'D)

**CACR 7**, relating to county officers. Providing that certain county officers shall be appointed rather than elected. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Election Law: This CACR would require that county treasurers, registers of probate, county attorneys, sheriffs and registers of deeds be appointed by counties. As written, it fails to specify who would make the appointments. It also fails to specify a term of office making it unclear as to whether the two year term remains or if it becomes a life-time appointment. Currently, the register of probate reports to the judicial branch. Under this proposal, it would appear that would change as well. The current system is working well and aside from a problem with one such elected official, there was insufficient testimony to convince the committee that the process should be changed. If the Constitution was amended in this manner, further legislation would be needed to make it work. Vote 14-2.  
Committee report adopted.

**HB 32**, requiring photo identification to obtain a ballot. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N. Jasper for Election Law: The bill, as introduced, would have required photo identification for voting purposes. The sub-committee which was dealing with the bill was interested in creating voter identification cards. At the suggestion of the secretary of state's office, an amendment was adopted which replaced the original bill and forms a study commission to deal with the creation of voter registration cards. The commission would have six members of the House, four members of the Senate, a city clerk, a town clerk and the secretary of state. It would report back by November 1, in time for legislation to be introduced for 2008. Vote 14-2.

### Amendment (0572h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study voter registration cards.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study voter registration cards.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Two members of the election law committee of the house of representatives, appointed by the speaker of the house of representatives.

- (b) Two members of the election law committee of the house of representatives, appointed by the minority party leader.
- (c) Two members of the senate, appointed by the president of the senate.
- (d) Two members of the senate, appointed by the minority leader.
- (e) One city clerk, appointed by the New Hampshire City and Town Clerks Association.
- (f) One town clerk, appointed by the New Hampshire City and Town Clerks Association.
- (g) The secretary of state, or designee.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall review options available for the production and distribution of voter registration cards. The commission shall consider the information to be placed on the cards and ways to encourage the voluntary use of the cards by voters on election day.

4 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the secretary of state. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2007.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a commission to study voter registration cards.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Vaillancourt spoke in favor.

Committee report adopted and ordered to third reading.

**HB 109**, eliminating straight ticket voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Election Law: The committee has already held a hearing on SB 36, which is word for word the same as HB 109. We believe that it is not necessary to hold two debates on the same bill, nor do we believe that passing HB 109 and thus requiring the Senate to hold another hearing and vote on the same bill is in the public interest. The vote on this bill is not indicative of the committee's position on the issue of eliminating straight ticket voting. Vote 13-2.

### LAI D ON THE TABLE

Rep. Claudia Chase moved that **HB 109**, eliminating straight ticket voting, be laid on the table. On a division vote, 207 members having voted in the affirmative and 107 in the negative, the motion was adopted.

### REGULAR CALENDAR (CONT'D)

**HB 128**, establishing a committee to study ballot reform. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul Hopfgarten for the Majority of Election Law: Although the committee recognizes this bill was just calling for a study and appreciates the concern regarding ballot reform, the majority was concerned about some aspects of this bill including the complexity of "instant runoff voting." Additionally, it was felt that there are other vehicles for studying ballot reform available in that the committee has retained a number of other bills dealing with ballot reform issues. Vote 9-5.

Rep. Charles F. Weed for the Minority of Election Law: The intent of the sponsor was to increase voter interest and turnout as well as to increase the number of candidates who might be out of the mainstream of the major parties. Instant runoff voting would require ranking candidates according to preference. The winner of the election would be required to receive a majority and one of the votes; therefore it would require an amendment to the New Hampshire Constitution. The minority believes that there is substantial available information from places where instant runoff voting has been used which should be considered by the New Hampshire Legislature.

Majority committee report adopted.

**HB 141**, giving voters the option of bypassing voting machines. **INEXPEDIENT TO LEGISLATE.**  
Rep. Charles F. Weed for Election Law: The committee appreciates the sponsor's objective of increasing voter confidence in elections. However, we believe that voter confidence issues should be addressed and satisfied prior to the election with tightened chain of custody procedures, transparent and public tests of voting machines, and clear purposes for storing and examining voting machine software. The committee has retained all of these issues for further study. The lack of a guarantee that ballots bypassing the vote counting machines would be counted seemed a major flaw in the bill. Vote 13-3.  
Committee report adopted.

**HB 191**, relative to the authority of the secretary of state concerning sealed ballots in a state election. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles F. Weed for Election Law: The committee believes that this bill provides an easy cure to an infrequent, yet serious problem. From time to time, the "official election return" is sealed along with the ballots after a long election day. This bill provides a mechanism by which the "official election return" can be returned at the polls by unsealing the ballots in the presence of a state election official. Vote 15-1.

#### Amendment (0716h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the authority to unseal ballots following a state election.

Amend the bill by replacing section 1 with the following:

1 Forwarding of Election Returns; Sealed Ballots. Amend RSA 659:75 to read as follows:  
659:75 Forwarding; Retaining Copies of Return. One copy of the election return shall be forwarded by the town or ward clerk to the secretary of state no later than the Monday following a state election unless the secretary of state orders them sooner. The other shall be kept by the town or city clerk and shall be open to public inspection at reasonable times. *If an official state election return is sealed along with the ballots, the clerk having custody of the sealed ballots shall, at the request of the secretary of state, and in the presence of a state election official, unseal the ballots and retrieve the election return. The ballots shall be immediately resealed and the election return shall be delivered to the secretary of state by the election official.*

#### AMENDED ANALYSIS

This bill authorizes the clerk having custody of sealed state election ballots to unseal them if an election return is sealed with them.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 192-FN**, requiring vote counting by election officials at polling places using vote counting machines. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for Election Law: The committee plans to study the need for recounting ballots in order to assure the integrity of electronic voting machines. However, this bill would place an increased burden on election officials after a long day at the polls. In terms of tiredness, there would be reasonable doubt about the accuracy of the hand count. In terms of increased costs for paying election officials for extra hours, it would probably trigger an Article 28-a challenge. Vote 13-2.  
Committee report adopted.

**HB 196**, relative to changes of party registration on primary day. **INEXPEDIENT TO LEGISLATE.**  
Rep. Charles F. Weed for Election Law: The majority of the committee believes that since either or both parties have the option to close their primaries to non-party members should they choose, and that the number of New Hampshire voters who are undeclared is greater than those registered in either major party, therefore, the public interest is served by continuing to permit voters to return to undeclared status after casting their ballot while still at the polls during New Hampshire primary elections. Vote 11-5.  
Committee report adopted.

**HB 276**, relative to political advertising placed on state-owned rights-of-way. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Hopfgarten for Election Law: The committee understands the issue regarding sign pollution on our state rights-of-way. However, it was felt that this would be unfair to private land

owners on state rights-of-way including some whose stone walls are in the right-of-way and prevent the viewing of the sign on the highway. This is also a private property issue. Vote 14-2. Committee report adopted.

**HB 413**, relative to the order of names on ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Election Law: The committee has retained HB 358 which deals with the same subject matter as this bill. We are in agreement that the committee should thoroughly study the issue of the placement of names on the ballot; however, it is not necessary to retain two bills for that purpose which was in fact the only disagreement we had in reaching our decision. Vote 15-1. Committee report adopted.

**HB 429**, relative to nominations by multiple parties. **OUGHT TO PASS.**

Rep. James R. Splaine for Election Law: This bill eliminates the provision that currently permits candidates to be nominated by multiple parties. The committee believes that there is value in providing voters the option of writing in candidates on their party ballot, and they will continue to be able to do so. This legislation will guarantee that voters know who is running on either party ballot with as much advance time ahead of a general election as possible and allows write-in of challenging candidates while preventing candidates already on the ballot of one party from getting a duplicate nomination on another party. Vote 14-1. Committee report adopted and ordered to third reading.

**HB 465-FN**, relative to marking ballots cast at elections. **INEXPEDIENT TO LEGISLATE.**

Rep. David M. Pierce for Election Law: This bill seeks to require that ballots be marked with a stamp provided by the secretary of state before being issued to voters for the purpose of preventing stuffing the ballot box with counterfeit (un-stamped) ballots. The secretary of state testified that there have been no verified instances of ballot stuffing or even any complaints of ballot stuffing. Also, the committee reasonably projects that if a ballot was inadvertently not stamped, that voter's vote would be lost and the voter unnecessarily disenfranchised. There being no need for the bill, the committee voted accordingly. Vote 15-1. Committee report adopted.

**HB 480**, relative to party columns listing names on ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Janet F. Allen for Election Law: With a new column style ballot, there was confusion by voters, evidenced during recounts when candidates from different parties were listed on the same line. They were often thought of as opposite each other. By staggering the names such that candidates from different parties do not fall on the same line, HB 480 seeks to rectify this problem. It also allows the secretary of state to determine the location of any additional columns that may appear on the ballot. Vote 14-1.

**Amendment (0640h)**

Amend the bill by replacing section 1 with the following:

1 Party Columns. Amend RSA 656:5 to read as follows:

656:5 Party Columns. The names of all candidates nominated in accordance with the election laws shall be arranged upon the state general election ballot in successive party columns. Each separate column shall contain the names of the candidates of one party; except that, if only a part of a full list of candidates is nominated by a political party, 2 or more such lists may be arranged whenever practicable in the same column. ~~[The first column shall contain the names of the candidates of the party which received the largest number of votes at the last preceding state general election.]~~ *The party columns that list the names of candidates for offices that elect more than one person shall stagger the names of the candidates so that they do not line up evenly in a horizontal direction. The leftmost column shall begin one line below the column to its right. The secretary of state shall determine the location of any additional columns that may appear on the ballot.*

**AMENDED ANALYSIS**

This bill requires the staggering of names of certain candidates within the party columns on general election ballots. This bill also eliminates the requirement that the first column contain the candidates of the party receiving the largest number of votes at the last election.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 687**, requiring the redistricting of the house of representatives for the 2008 elections. **INEX-PEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for Election Law: The committee believes that since the demographic data that would be used for redistricting prior to the 2008 state primary would be eight years old, changing district boundaries only two years in advance of the 2010 decennial census would be both premature and inaccurate. The committee was advised that the constitutional change adopted by the voters in 2006 did not require action in this session. Vote 12-3.

Rep. Renzullo requested a roll call; sufficiently seconded.

## YEAS 283 NAYS 72

### YEAS 283

#### BELKNAP

Allen, Janet	Arsenault, Beth	Boyce, Laurie	Clark, Charles
Flanders, Donald	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Reever, Judith	Russell, David	Thomas, John
Tobin, William	Whalley, Michael	Wood, Jane	

#### CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Chandler, Gene	Cunningham, Howard	Denley, William	Heard, Virginia
Knox, J. David	Martin, James	Merrow, Harry	

#### CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Chase, William	Dunn, J. Timothy	Emerson, Susan	Espiefs, Peter
Johnson, Jane	Lerandeau, Alfred	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy		

#### COOS

Hatch, William	Ingersoll, Paul Sr	King, Frederick	Mears, Edgar
Merrick, Evalyn	Merrick, Scott	Remick, William	Stohl, Eric
Theberge, Robert	Tholl, John Jr	Thomas, Yvonne	

#### GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Estes, Carole	Friedrich, Carol
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	Lovett, Sid
Matheson, Robert	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Pierce, David	Preston, Philip	Solomon, Peter	

#### HILLSBOROUGH

Barry, Richard	Batula, Peter	Beck, Catriona	Bergin, Peter
Brunelle, Michael	Campbell, David	Christensen, Chris	Clemons, Jane
Cote, David	Daler, Jennifer	Dokmo, Cynthia	Drisko, Richard
Edwards, Andrew	Elliott, Nancy	Emerton, Larry	Essex, David
Fontas, Jeffrey	Forest, Armand	Foster, Linda	Francoeur, Bea
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Hackel, Paul	Hammond, Jill
Harvey, Suzanne	Hebert, Roger	Holden, Randolph	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Kaelin, Michael
Katsiantonis, George	Kelley, John	Knowles, John	Knowles, Mary Ann
Kopka, Angeline	Lasky, Bette	Leishman, Peter	Levasseur, Nickolas
Levesque, Melanie	Long, Patrick	Mack, Ron	Martineau, Jesse
Matarazzo, Anthony Sr	McRae, Karen	Mesa, Lily	Mooney, Maureen
Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James	Pilotte, Maurice

Price, Pamela  
Schulze, Joan  
Simon, Anthony  
Sullivan, Francis  
Winters, Joel

Reeves, Sandra  
Shattuck, Gilman  
Smith, David  
Tahir, Saghir

Reuschel, Michael  
Shaw, Barbara  
Spratt, Stephen  
Vaillancourt, Steve

Rosenwald, Cindy  
Shaw, Kimberly  
Sullivan, Daniel  
Velez, Hector

### MERRIMACK

Anderson, Eric  
Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Kelly, Sally  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Lockwood, Priscilla  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Hamm, Christine  
MacKay, James  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Brown, C. Pennington  
Dalrymple, David  
Emiro, Frank  
Forsing, Robert  
Henson, John  
Johnson, Robert  
Kepner, Susan  
McCarthy, Linda  
Moody, Marcia  
Packard, Sherman  
Rausch, James  
Serlin, Christopher  
Weare, Everett  
Wickson, Rick

Allen, Mary  
Cali-Pitts, Jacqueline  
Day, Judith  
Fesh, Bob  
Gould, Kenneth  
Hopfgarten, Paul  
Kappler, Lawrence  
Lister, Charlotte  
McEachern, Paul  
Moore, Bennett  
Pantelakos, Laura  
Robertson, Carl  
Snow, Richard  
Welch, David  
Winchell, George

Belanger, Ronald  
Carson, Sharon  
DiFruscia, Anthony  
Flanders, John Sr  
Griffin, Mary  
Howard, Doreen  
Kelley, Jane  
Major, Norman  
McKenna, Daniel  
Nord, Susi  
Powers, James  
Russell, Trinka  
Stiles, Nancy  
Wells, Roger

Borden, David  
Casey, Kimberley  
Elliott, Robert  
Flockhart, Eileen  
Grote, Otto  
Ingram, Russell  
Kennedy, James  
Marsh, Michael  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Sanders, Elisabeth  
Waterhouse, Kevin  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Brown, Larry  
Domingo, Baldwin  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Watson, Robert

Billian, Deborah  
Browne, Brendon  
Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Brown, George  
Burke, Rachel  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srnc, Robert

Brown, Jennifer  
Cyr, James  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr  
Skinder, Carla

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinzy, James

Ferland, Brenda  
Houde, Matthew  
Rodeschin, Beverly

### NAYS 72

### BELKNAP

Tilton, Franklin

Wendelboe, Fran

### CARROLL

Brown, Carolyn

Stevens, Stanley

### CHESHIRE

Hunt, John

**COOS**

None

**GRAFTON**

Bulis, Lyle

Dingman, Vernon III

Ingbretson, Paul

Sorg, Gregory

**HILLSBOROUGH**

Bergeron, Jean-Guy  
Crane, Elenore Casey  
Haefner, Robert  
Hinkle, Peyton  
L'Heureux, Robert  
Moran, Edward  
Renzullo, Andrew  
Ulery, Jordan

Chase, Claudia  
Daniels, Gary  
Hall, Betty  
Hogan, Edith  
Lawrence, James  
Ober, Lynne  
Rowe, Robert  
Villeneuve, Maurice

Christiansen, Lars  
Day, Russell  
Hansen, Ryan  
Hunter, Bruce  
Manney, Pamela  
Ober, Russell III  
Soucy, Connie

Coughlin, Pamela  
Fletcher, Richard  
Hawkins, Ken  
Kurk, Neal  
Messier, Irene  
Peterson, Andy  
Stepanek, Stephen

**MERRIMACK**

Hager, Elizabeth  
Williams, Robert

Hess, David

Humphries, Charlie

Kidder, David

**ROCKINGHAM**

Baldasaro, Alfred  
Camm, Kevin  
Dumaine, Dudley  
Guthrie, Joseph  
Katsakiores, George  
Pearson, Mark

Bedrick, Jason  
Case, Frank  
Garcia, Marilinda  
Headd, James  
Katsakiores, Phyllis  
Quandt, Matthew

Bettencourt, David  
Charron, Gene  
Garrry, James  
Hutchinson, Karen  
Lund, Howie  
Reagan, John

Buxton, Donald  
Devine, James  
Gleason, John  
Itse, Daniel  
McMahon, Charles  
Splaine, James

**STRAFFORD**

Brown, Julie

DeChane, Marlene

Goodwin, Earle

Vachon, Dennis

**SULLIVAN**

None

and the committee report was adopted.

**HB 746**, relative to listing candidates on election ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for Election Law: The committee believes this bill is unnecessary. HB 146, relative to nicknames passed the House on March 6, 2007. It dealt with clarifying a candidate's choice of how his or her name would be listed on the ballot including using a nickname. Vote 14-1. Committee report adopted.

**HB 748**, requiring disclosure of gifts and campaign contributions by lobbyists and political committees, and requiring lobbyist statements to include certain information. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for Election Law: The committee believes there are many problems with this bill. It appears to require candidates to report information about contributions from lobbyists to the political committee contributing to the candidate which may not be known by the candidate. It requires lobbyists to list specific bills they are promoting or opposing instead of the general issue areas. Lobbyists point out which bills are in their interest change because of amendment process and are impossible to determine in advance. The extensive new filing requirements passed in the last session should be tried and scrutinized before new requirements are added. Vote 14-1. Committee report adopted.

**SB 36**, eliminating straight ticket voting. **OUGHT TO PASS.**

Rep. Deborah L. Billian for Election Law: Eliminating straight ticket voting rids confusion for the voter who, after checking off the box at the top of the ballot, proceeds down the ballot to check other candidates. Removing the party box at the top of the ballot will clarify the voter's intent. Vote 10-4. Rep. Vaillancourt spoke in favor. Committee report adopted and ordered to third reading.



### MOTION TO SUSPEND RULES

Reps. Wallner and Whalley moved that the Rules be so far suspended to allow consideration at the present time of **HB 704-FN-A**, relative to the commission on the status of men and making an appropriation therefor, and if passed, immediate third reading.

Adopted by the necessary two-thirds.

### CONSIDERATION OF HB 704

**HB 704-FN-A**, relative to the commission on the status of men and making an appropriation therefor. Rep. Kurk moved Ought to Pass with Amendment and offered floor amendment (0994h).

#### Floor Amendment (0994h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls.

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Budget; Adjutant General; STARC Armory; Appropriation Amount Amended and Corrected. 2003, 240:1, I, B as extended by 2005, 259:25, III, and as amended by 2005, 259:14 and 2006, 272:2 is repealed and reenacted to read as follows:

B. STARC Armory - Concord	16,469,504
Less Federal	-15,653,598

Net state appropriation subparagraph B	815,906
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2 Total Adjusted; 2003. Amend 2003, 240:1, I, total state appropriation paragraph I to read as follows:

Total state appropriation paragraph I	[ <del>\$2,802,025</del> ]	<b>\$2,859,656</b>
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3 Total Adjusted; 2003. Amend 2003, 240:1, total state appropriation section 1, to read as follows:

Total state appropriation section 1	[ <del>\$75,026,533</del> ]	<b>\$75,084,164</b>
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4 Total Bond Amount. Amend 2003, 240:6 to read as follows:

240:6 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$90,673,023~~] **\$90,730,654** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

5 Lapse Extended. The appropriation made to the adjutant general for the STARC armory - Concord, in 2003, 240:1, I, B, as amended by 2005, 259:14 and 2006, 272:2, as extended by 2005, 259:25, III, and as amended by section 1 of this act, is hereby extended to June 30, 2009.

6 Appropriation; State Matching Funds for Federal Emergency Management Agency Disaster Assistance Grants. A sum of up to \$225,000 is hereby appropriated to the department of safety, division of emergency management for the fiscal year ending June 30, 2007, for the required 25 percent state match for disaster assistance grants, awarded by the Federal Emergency Management Agency (FEMA) for individual assistance in Rockingham, Hillsborough, Carroll, Merrimack, Strafford and Belknap counties for flood damage sustained in the May 2006 disaster (DR-1643). The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

7 Adjutant General; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$203,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the adjutant general for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the adjutant general. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Department of Administrative Services; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$1,332,024 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of administrative services for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the department of administrative services. The appropriation shall be a charge against the appropriate funds as follows:

General	Federal	Highway	Other
\$236,493	\$158,970	\$160,823	\$775,738

The governor is authorized to draw a warrant for said sums out of the appropriate fund.

9 Department of Safety; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$364,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of safety for anticipated energy expense shortfalls in state-owned buildings. This appropriation shall be a charge against the highway fund and is in addition to any other funds appropriated to the department of safety.

10 Department of Resources and Economic Development; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$77,200 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of resources and economic development for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the department of resources and economic development. The appropriation shall be a charge against the appropriate funds as follows:

General	Other
\$6,700	\$70,500

The governor is authorized to draw a warrant for said sums out of the appropriate fund.

11 Department of Environmental Services; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$10,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of environmental services for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the department of environmental services. The appropriation shall be a charge against the appropriate fund.

12 Department of Corrections; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$1,400,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of corrections for anticipated energy expense shortfalls in state-owned buildings and shortfalls in funds budgeted for water consumption. This appropriation is in addition to any other funds appropriated to the department of corrections. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

13 Regional Community Technical College System; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$700,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the regional community-technical college system for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the regional community-technical college system. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

14 Liquor Commission; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$104,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the liquor commission for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the liquor commission. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

15 Repeal. 2002, 267:3, relative to the prospective repeal of the commission on the status of men, is repealed.

16 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

I. Modifies and extends a capital appropriation made to the adjutant general for the STARC armory in Concord.

II. Makes an appropriation to the department of safety for state matching funds for federal emergency management agency disaster assistance grants.

III. Makes appropriation for energy expense shortfalls to the adjutant general, the department of administrative services, the department of safety, the department of resources and economic development, the department of environmental services, the department of corrections, the regional community technical college system, and the liquor commission.

IV. Repeals the prospective repeal of the commission on the status of men.

Rep. Kurk spoke in favor and yielded to questions.

Floor amendment (0994h) adopted.

Motion of Ought to Pass with Amendment adopted.

Ordered to third reading.

**MOTION ON HB 704**

Rep. Wallner moved that **HB 704-FN-A**, relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls, be read a third time and passed. Adopted.

**Third reading and final passage**

**HB 704-FN-A**, relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls.

**MOTION TO PRINT DEBATE**

Rep. Marjorie Smith moved that the debate on **HB 704-FN-A**, relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls, be printed in the Permanent Journal. Adopted.

**DEBATE ON HB 704-FN-A**

**Rep. Kurk:** Thank you, Madam Speaker. Members of the House, this bill comes before you as a fast track bill, and for those of you who are new to the House this is probably your first experience with such a bill. There are occasions when we have to act expeditiously and I know after days of debate you're probably doubting whether that is ever possible. Indeed it is. This will be one of those days, I believe. If this bill is passed, it will be directly sent to third reading, go across to the Senate, the Senate will hold a committee hearing on this bill tomorrow and will act on it on Thursday. If all goes well, they will not amend it. It will go directly to the Governor and with any luck this will be signed before April 1<sup>st</sup>. And here is why that's important. There is a building being constructed at the National Guard facility at the Concord airport and if we do not appropriate \$57,000 of general fund bonding authority, that building will lose \$2.5 million of federal funds and work on it will stop. That's the urgency. So, let me explain to you what the bill does. First, while this bill came to us as a bill about the commission on the status of men, we have used this as a vehicle to add a number of other things which have some urgency to them, including the item I just mentioned. But, let's talk first about the commission. The bill came to us with \$60,000 in it for the commission and a provision of eliminating the sunset, which if it goes into effect, will abolish the commission. We took the money out of this bill, but also abolished the sunset, thus allowing the commission to continue its existence until such time as we take other action. That is the only part of the bill that deals with the commission on the status of men. The rest of the bill contains three very important appropriations. The first one I already mentioned. \$57,000 and change in bonding authority so that we can avoid losing \$2.5 million of federal funding and continue construction of a building that is being built as we speak. And that must be done before April 1<sup>st</sup>. Secondly, we owe the federal government approximately \$225,000 as the state's 25% share of a FEMA grant to individuals who suffered damage in the May 2006 floods. The money has already been paid to them. We owe the money to the Feds. Between interest and penalties, we are paying about 8.1% on that bill. As you know, our State Treasurer cannot earn 8.1% on the money in the State Treasury, so it really pays to pay this bill quickly. The most important part of this, however, is dealing with many state agencies and departments who have not enough money in their energy accounts, like utilities, electricity - in order to pay the bills - this year - 2007. They have run out of money for two reasons. First, we didn't appropriate enough and secondly, energy prices sky rocketed more than anybody had anticipated. We need to pay those bills and that will cost us approximately \$2.4 million in general funds. That money will come out of the 07' budget. It will not affect 08' and 09', the budget yet to come. The third thing that requires action is the fact that...sorry, I covered all three; the money for the Adjutant General, the money for the FEMA grant and the money for the shortfall in energy appropriations. The total bill is \$4.2 million of which \$2.6 million are coming from general funds. There is enough money in surplus for us to pay this bill, but we are getting pretty close. I urge you to vote in favor of the amendment and in favor of the bill to make sure construction continues and the lights stay on. Thank you, Madam Speaker.

**Speaker:** Will the member yield to a question?

**Rep. Kurk:** Yes.

**Speaker:** The member yields, Rep. Graham you may inquire.

**Rep. Graham:** Thank you, Madam Speaker. Thank you, my colleague, for yielding. You said that \$2.4 million came from the general fund. Where is the rest of the money coming from?

**Rep. Kurk:** I thank the Representative from Bedford for his question. \$57,000 will be, as I said, general fund bonds. \$2.6 million will come from the general fund. \$158,000 will come from federal funds. \$524,000 will come from the highway fund and \$856,000 will come from other sources, which means usually agency income. And because I know my friend is concerned about the highway fund, I point out to you that this is a very appropriate appropriation since it keeps the lights on in the Department of Transportation. Thank you.

### MOTION TO REMOVE FROM TABLE

Rep. Vaillancourt moved that **HB 109**, eliminating straight ticket voting, be removed from the table. (Pending question: Inexpedient to Legislate).

On a division vote, 104 members having voted in the affirmative and 240 in the negative, the motion failed.

### REGULAR CALENDAR (CONT'D)

**HB 234**, establishing a committee to study state environmental laboratory fees and services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Derek Owen for Environment and Agriculture: The amendment to this bill temporarily establishes environmental laboratory fees. A study for changes in fees would take place at a later date than the amendment states. The existing fee structure has been in force since 1999 and does not reflect increased costs. Vote 11-6.

#### Amendment (0851h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to revising the department of environmental services laboratory fee schedule.

Amend the bill by replacing all after the enacting clause with the following:

1 Environmental Laboratory Fees. RSA 131:3-a is repealed and reenacted to read as follows:

131:3-a Fee Required; Rulemaking Authority; Department of Environmental Services.

I. The department of environmental services shall collect a fee for analyses made pursuant to RSA 131:3 on the following schedule, provided that the fees listed may be changed by rules adopted pursuant to paragraph III:

(a) Fees for analyses offered as a service shall be set from the following schedule:

(1) Agricultural pesticides	\$ 200
(2) Alkalinity	\$ 15
(3) Ammonia	\$ 30
(4) Asbestos	\$ 35
(5) Bacteria as cts/100mL (all types)	\$ 20
(6) Bacteria as MPN (all types)	\$ 30
(7) Bacteria as P/A (all types)	\$ 15
(8) Biosuitability	\$ 145
(9) Biochemical oxygen demand	\$ 35
(10) Carbamates	\$ 120
(11) Chemical oxygen demand	\$ 28
(12) Chloride	\$ 12
(13) Chlorine residual	\$ 16
(14) Chlorophenoxy herbicides	\$ 130
(15) Cyanide	\$ 35
(16) Diquat	\$ 125
(17) E. colicts/100mL	\$ 10
(18) Ethylene dibromide/dibromochloropropane	\$ 75
(19) Ethylene/Propylere Glycol	\$ 150
(20) Fluoride	\$ 12
(21) Glycols	\$ 150

(22) Glyphosate	\$ 100
(23) Gross Alpha	\$ 60
(24) Haloacetic acids	\$ 100
(25) Heterotropic plate count	\$ 25
(26) Iron bacteria	\$ 25
(27) Metals (each)	\$ 15
(28) Metals preparation charge	\$ 20
(29) Methyl-tert-butyl ether	\$ 75
(30) Nitrate	\$ 12
(31) Nitrite	\$ 12
(32) Oil and grease (HEM)	\$ 60
(33) pH	\$ 9
(34) PM-10	\$ 30
(35) Polyaromatic hydrocarbons	\$ 150
(36) Phosphorus (all forms)	\$ 20
(37) Radium 226	\$ 150
(38) Radon	\$ 25
(39) Residue	\$ 14
(40) Semivolatile compounds	\$ 225
(41) Solids (all forms)	[ \$20] \$ 30
(42) Special study (per hour)	\$ 50
(43) Specific conductance	\$ 10
(44) Sulfate	\$ 20
(45) Sulfide	\$ 20
(46) Thermometer calibration	\$ 15
(47) Total organic carbon	\$ 40
(48) Total Kjeldahl nitrogen	\$ 25
(49) Total petroleum hydrocarbons (DRO)	\$ 125
(50) Total petroleum hydrocarbons (GRO)	\$ 125
(51) Total trihalomethanes	\$ 75
(52) Toxaphene	\$ 75
(53) Turbidity	\$ 12
(54) Uranium (activity)	\$ 150
(55) UV-254	\$ 30
(56) Volatile organic compounds	\$ 120
(57) Non-specific analytical investigation	\$50/now

(b) Fees for analyses of the following special parameter groupings required by the federal Safe Drinking Water Act will be:

(1) Drinking water bacteria	\$ 15
(2) Haloacetic acids	\$ 100
(3) Inorganic chemicals	\$ 335
(4) Inorganic chemicals (new system)	\$ 395
(5) Lead/copper	\$ 30
(6) Nitrate/nitrite	\$ 12
(7) Radiological chemicals	\$ 75
(8) Synthetic organic chemicals	\$ 650
(9) Total trihalomethanes	\$ 75
(10) Volatile organic compounds	\$ 120
(11) Water quality parameters	\$ 40

(c) Fees for analyses of the following parameters in support of the department's private homeowner initiative shall be:

(1) Bacteria/nitrate/chloride	\$ 30
(2) Drinking water bacteria	\$ 15
(3) Fluoride	\$ 12
(4) Methyl-tert-butyl ether	\$ 60
(5) Radon	\$ 20

(6) Standard analysis	\$ 85
(7) Homeowner radiologicals	\$ 80
(8) Volatile organic compounds	\$ 120

II. All such fees collected by the commissioner of environmental services from federal or state grants or from other state agencies shall be credited against the operating costs of the laboratory. Fees collected from public or private clients shall be deposited with the state treasurer as unrestricted revenue, with the exception that 50 percent of every analysis fee shall be deposited with the state treasurer and reserved in a special nonlapsing fund to be used by the commissioner of environmental services for the purchase of replacement or new laboratory equipment designed to improve service. The commissioner may, with prior approval of the governor and council, use funds in the nonlapsing account for unanticipated personnel or supply expenditures made necessary by unexpected changes in or additions to federal or state required laboratory analyses, or unusual volume of samples.

III. The commissioner of the department of environmental services shall adopt rules pursuant to RSA 541-A relative to changes to the list of laboratory services to be provided under paragraph I and RSA 131:3, and changes to the schedule of fees for such services.

2 Rulemaking; Regarding Laboratory Fees. Amend RSA 131:4 to read as follows:

131:4 Service; Reimbursements; Rulemaking. The commissioner of the department of health and human services shall adopt rules pursuant to RSA 541-A relative to a list of laboratory services to be provided under ~~[this chapter]~~ **RSA 131:2** and a schedule of fees for such services. The fees may be waived by the commissioner when the commissioner determines it is in the best interests of the health of the public to do so. Fees collected under this section shall be forwarded to the state treasurer to be deposited in the general fund.

3 Testing of Water; Authority; Department of Environmental Services. Amend RSA 131:3 to read as follows:

131:3 Testing of Water Supplies. ~~[They]~~ **The department of environmental services** shall make periodic inspections and analyses of the public water supplies of the state and any special investigations thereof that may be called for; also, when requested or as may be deemed by them necessary or expedient in the interests of the public health, make inspections or analyses of sources furnishing water to institutions, schools, hotels, camps, other places of public resort and individuals, and advise in connection with the same; and they shall enforce the laws pertaining to water supply and to the sanitation of public waters.

4 Effective Date. This act shall take effect January 1, 2008.

#### AMENDED ANALYSIS

This bill revises the schedule of environmental laboratory fees and gives the department of environmental services authority to adopt rules relative to laboratory services provided.

#### LAI D ON THE TABLE

Rep. Phinizy moved that **HB 234**, establishing a committee to study state environmental laboratory fees and services, be laid on the table.

Adopted.

#### REGULAR CALENDAR (CONT'D)

**HB 332**, relative to the procurement of eggs and egg products by the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Haefner for Environment and Agriculture: The intent of the bill is to mandate that the state procure eggs and egg products only from producers that do not have caged chickens. The majority was split on whether caged birds are good or bad. But it is clear that today there are no caged birds in New Hampshire. We were generally opposed to mandating where a product could be bought, since currently the procurement criteria is cost. According to testimony, egg prices would increase for the state if we used only un-caged birds as the source. Testimony indicated a doubling of egg prices was a reasonable expectation. The state buys a lot of eggs, led by the department of corrections. We do believe that the better mandate for food procurement by the state should be, where possible; buy from local New Hampshire producers. That is for another bill though. Vote 12-4. Committee report adopted.

**HB 407-FN-A**, establishing a dairy stabilization fund for dairy farmers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tara A. Sad for Environment and Agriculture: This bill provides emergency funding for New Hampshire dairy farms. It asks the state to appropriate \$3 million to this end. The committee considered the question of whether dairy farms should be subsidized when the rest of the state is suffering under a heavy property tax burden. Farmers have been paying the same high property taxes other residents pay, and in addition, are required, by the nature of their business, to pay Business and Enterprise Tax (BET), even when they take a loss for the year. During the hearings, farmers testified that, due to the extremely low bulk milk prices and increasing costs in utilities, grain, fertilizer and fuel – both on road and off – in all likelihood there would be extremely high losses which they can ill afford. Grain prices have nearly doubled over the last year and are expected to increase another fifty percent, due to the high demand for ethanol. It is not unusual for a dairy farmer's grain bill to have increased, as in one example presented to the committee, to \$25,000 per month from \$15,000. Yet milk prices – paid at the farm or, as it is known, 'farmgate' prices – fell through the floor last May to a low of \$12.61 per "hundred weight" of milk (100 pounds is the equivalent of 11.5 gallons of liquid milk). At the same time, average retail prices of milk were at a near high. Supermarkets were selling a gallon of whole milk for \$2.91 – only two cents off the average high for the year. In fact, milk used for making cheese (Class III) is the exact same price today as 1980. Experts estimate that a realistic breakeven price is about \$18.00 per hundred. At present, prices are hovering at around \$15.00. The farmer ("producer") meanwhile is receiving in real dollars only about \$6.09. In short, farmers are getting the same pay they received twenty-five years ago. The benefits that a farm provides are many. One milking heifer contributes approximately \$10,000 to \$14,000 to the local economy; therefore, a dairy farm with 100 milking heifers, which is considered the average for the state, generates on an annual basis about \$1,000,000 to \$1,400,000 locally. While that is justification in its own right, farms keep land open for wildlife, recreation, snowmobiling and hunting. Their presence enhances property values while providing indirectly revenue through various fees and taxes generated through tourism and recreation. Farmers not only till and maintain their own fields and pastures but those of other landowners. Farms are the most efficient and least expensive form of land conservation and preservation; moreover, open land does not place a demand on local services, nor the school system. If there is ever a serious interruption of the food chain, these same farms may be an important and necessary part of the food supply. Ten years ago, there were over five hundred working farms in New Hampshire. Currently there are only about 134. These farms create about 750 jobs. (In comparison, the five wood burning power plants account for only about 350 jobs, and the potential power plant which Public Service wants in Berlin probably only 50 jobs.) It is estimated that the dairy industry provides approximately \$70-80 million to the New Hampshire economy. These reasons are why we need to support our dairy farmers and why passage of this bill as amended is so necessary. New Hampshire cannot afford to lose any more farms. Vote 16-0.

**Amendment (0920h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to assistance for milk producers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Emergency Dairy Assistance Program. Amend RSA by inserting after chapter 184-A the following new chapter:

**CHAPTER 184-B****EMERGENCY DAIRY ASSISTANCE PROGRAM**

184-B:1 Program Established. There is hereby established in the department of agriculture, markets and food, the emergency dairy assistance program for the fiscal year ending June 30, 2008.

184-B:2 Program Administration.

I. In order to apply for the emergency dairy assistance program, a milk producer as defined by RSA 184:79, IX, shall calculate his or her average production of milk in hundredweight for November 2006, December 2006, January 2007, and February 2007. Assistance shall be calculated by multiplying a milk producer's average milk production times the difference between the average Boston market price for November 2006, December 2006, January 2007, and February 2007 and the base price of milk at \$16.94 per hundredweight. Producers who were not in production in November 2006, December 2006, January 2007, and February 2007, but who were

in production in the calendar year of 2006, and who wish to receive this interim assistance shall provide the commissioner verifiable production evidence by September 1, 2007 for the lowest average 4 months' milk production in 2006. For the purposes of this chapter, a milk producer, as defined in RSA 184:79, IX who is receiving assistance shall not include governmental entities.

II. The milk producer shall apply to the commissioner of agriculture, markets, and food on forms provided by the commissioner for assistance by September 1, 2007 by reporting the average price. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the content and form of the application forms. In addition to reporting the average price, a producer applying for assistance shall provide the commissioner of the department of agriculture, markets, and food with 3 months' worth of verifiable production evidence. Acceptable forms of verifiable production evidence include: milk marketing payment stubs, bulk tank records, milk handler records, and daily milk marketing records.

III. Assistance shall be distributed beginning July 15, 2007. Payment will be in the form of a check made out to the producer from the state of New Hampshire.

IV. The following milk is ineligible for calculation in a milk producer's average milk production for determination of assistance:

(a) Dumped milk that causes bulk load contamination for which a producer receives an insurance indemnity.

(b) Milk dumped on the farm by order of a department of agriculture, markets, and food or a department of health and human services official.

V. When applying for assistance, a milk producer shall sign an agreement to reimburse the department of agriculture, markets, and food for payments if the producer disperses the herd or reduces herd production by more than 50 percent by July 1, 2008. Funds collected by the department in the form of a reimbursement shall be deposited into the general fund.

#### 184-B:3 Advisory Board.

I. There is hereby established an emergency dairy assistance program advisory board. Such board shall manage appeals arising from RSA 184-B:4.

II. The board shall consist of the following:

(a) One member of the house of representatives who serves on the environmental and agriculture committee, appointed by the speaker of the house of representatives.

(b) One member of the senate who serves on the energy, environment and economic development committee, appointed by the president of the senate.

(c) Three members of the public who are not milk producers or do not own a farm where milk is produced, appointed by the commissioner of the department of agriculture, markets, and food.

184-B:4 Appeals. The emergency dairy assistance program advisory board shall hear producer appeals. Appeals shall be based on unforeseen emergencies, contingencies, and extenuating circumstances.

#### 184-B:5 Butterfat Content.

I. Producers with herds that produce milk with an average butterfat content between 3.5 percent and 4.0 percent shall receive assistance from the program as determined in RSA 184-B:2, I.

II. Producers with herds that produce milk with an average butterfat content between 4.1 percent and 4.5 percent shall receive assistance granted according to the formula in RSA 184-B:2, I, plus 10 percent.

III. Producers with herds that produce milk with an average butter fat content over 4.6 percent shall receive assistance granted according to the formula in RSA 184-B:2, I, plus an additional 20 percent.

2 Appropriation. The sum of \$3,000,000 for the fiscal year ending June 30, 2007, is hereby appropriated to the department of agriculture, markets, and food for the emergency dairy assistance program established in RSA 184-B:1. The governor shall draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any moneys not expended by June 30, 2008 shall lapse into the general fund.

3 Price of Milk. Amend RSA 434:56 to read as follows:

434:56 Establishment of Minimum Producer Dairy Prices. The commissioner, after consulting with the agricultural advisory board, may establish by order an equitable minimum price to be paid to dairy producers for raw milk produced in New Hampshire on the basis of the use thereof in the various classes, grades and forms. The commissioner, after consulting with the agricultural advisory



sory board, may from time to time make, amend or rescind an order if the commissioner finds that the federal milk marketing order covering New Hampshire is adequate or inadequate as the case may be to ensure a stable raw milk production and distribution system in the state. ~~[In no case shall the commissioner establish by order a price greater than the average price established for comparable classes, grades and forms of raw milk in the contiguous states.]~~

4 Effective Date. This act shall take effect June 30, 2007.

### AMENDED ANALYSIS

This bill establishes and makes an appropriation for the emergency dairy assistance program. Amendment adopted.

Rep. Phinizy offered floor amendment (0971h).

### Floor Amendment (0971h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to assistance for milk producers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Emergency Dairy Assistance Program. Amend RSA by inserting after chapter 184-A the following new chapter:

#### CHAPTER 184-B

#### EMERGENCY DAIRY ASSISTANCE PROGRAM

184-B:1 Program Established. There is hereby established in the department of agriculture, markets and food, the emergency dairy assistance program for the fiscal year ending June 30, 2008.

184-B:2 Program Administration.

I. In order to apply for the emergency dairy assistance program, a milk producer as defined by RSA 184:79, IX, shall calculate his or her actual production of milk in hundredweight for November 2006, December 2006, January 2007, and February 2007. Assistance shall be calculated by multiplying a milk producer's actual milk production times the difference between the average Boston market price for November 2006, December 2006, January 2007, and February 2007 and the base price of milk at \$16.94 per hundredweight. Producers who were not in production in November 2006, December 2006, January 2007, and February 2007, but who were in production in the calendar year of 2006, and who wish to receive this interim assistance shall provide the commissioner verifiable production evidence by September 1, 2007 for the lowest actual 4 months' milk production in 2006. For the purposes of this chapter, a milk producer, as defined in RSA 184:79, IX who is receiving assistance shall not include governmental entities.

II. The milk producer shall apply to the commissioner of agriculture, markets, and food on forms provided by the commissioner for assistance by September 1, 2007 by reporting the average price. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the content and form of the application forms. In addition to reporting the average price, a producer applying for assistance shall provide the commissioner of the department of agriculture, markets, and food with 4 months' worth of verifiable production evidence. Acceptable forms of verifiable production evidence include: milk marketing payment stubs, bulk tank records, milk handler records, and daily milk marketing records.

III. Assistance shall be distributed beginning July 15, 2007. Payment will be in the form of a check made out to the producer from the state of New Hampshire.

IV. The following milk is ineligible for calculation in a milk producer's actual milk production for determination of assistance:

(a) Dumped milk that causes bulk load contamination for which a producer receives an insurance indemnity.

(b) Milk dumped on the farm by order of a department of agriculture, markets, and food or a department of health and human services official.

V. When applying for assistance, a milk producer shall sign an agreement to reimburse the department of agriculture, markets, and food for payments if the producer disperses the herd or reduces herd production by more than 50 percent by July 1, 2008. Funds collected by the department in the form of a reimbursement shall be deposited into the general fund.

184-B:3 Advisory Board.

I. There is hereby established for the duration of the program an emergency dairy assistance program advisory board. Such board shall manage appeals arising from RSA 184-B:4.

II. The board shall consist of the following:

(a) One member of the house of representatives who serves on the environmental and agriculture committee, appointed by the speaker of the house of representatives.

(b) One member of the senate who serves on the energy, environment and economic development committee, appointed by the president of the senate.

(c) Three members of the public who are not milk producers or do not own a farm where milk is produced, appointed by the commissioner of the department of agriculture, markets, and food.

184-B:4 Appeals. The emergency dairy assistance program advisory board shall hear producer appeals. Appeals shall be based on unforeseen emergencies, contingencies, and extenuating circumstances.

184-B:5 Butterfat Content.

I. Producers with herds that produce milk with an average butterfat content between 3.5 percent and 4.0 percent shall receive assistance from the program as determined in RSA 184-B:2, I.

II. Producers with herds that produce milk with an average butterfat content between 4.1 percent and 4.5 percent shall receive assistance granted according to the formula in RSA 184-B:2, I, plus 10 percent.

III. Producers with herds that produce milk with an average butter fat content over 4.6 percent shall receive assistance granted according to the formula in RSA 184-B:2, I, plus an additional 20 percent.

2 Appropriation. The sum of \$3,000,000 for the fiscal year ending June 30, 2007, is hereby appropriated to the department of agriculture, markets, and food for the emergency dairy assistance program established in RSA 184-B:1. The governor shall draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any moneys not expended by June 30, 2008 shall lapse into the general fund.

3 Price of Milk. Amend RSA 434:56 to read as follows:

434:56 Establishment of Minimum Producer Dairy Prices. The commissioner, after consulting with the agricultural advisory board, may establish by order an equitable minimum price to be paid to dairy producers for raw milk produced in New Hampshire on the basis of the use thereof in the various classes, grades and forms. The commissioner, after consulting with the agricultural advisory board, may from time to time make, amend or rescind an order if the commissioner finds that the federal milk marketing order covering New Hampshire is adequate or inadequate as the case may be to ensure a stable raw milk production and distribution system in the state. ~~[In no case shall the commissioner establish by order a price greater than the average price established for comparable classes, grades and forms of raw milk in the contiguous states.]~~

4 Effective Date. This act shall take effect June 30, 2007.

AMENDED ANALYSIS

This bill establishes and makes an appropriation for the emergency dairy assistance program.

Rep. Phinizz yielded to questions.

Floor amendment (0971h) adopted.

Committee report adopted.

Referred to the Committee on Finance.

**HB 416**, relative to mercury reduction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James G. Phinizz for Environment and Agriculture: It is estimated that each year over 150 pounds of mercury are deposited in New Hampshire's solid waste landfills or incinerators. This bill bans the disposal of all mercury-added products, regardless of mercury content, in solid waste landfills, transfer stations and incinerators. Products such as mercury devices, switches, light bulbs and button batteries contribute to the toxicity of the waste stream. This bill will divert these products into a recycling program or will require disposal as a hazardous waste. Even though manufacturers are producing newer products with less mercury, there is still a cumulative effect. Also, it is particularly important to capture those products which are still in the public usage and which are high in mercury content. Industry and business are already required to recycle fluorescent light bulbs; it is only fitting, consistent and logical that New Hampshire residents follow the same standard. Vote 15-0.

**Amendment (0584h)**

Amend RSA 149-M:58, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall knowingly dispose of mercury-added products in solid waste landfills, transfer stations, or incinerators.

## AMENDED ANALYSIS

This bill bans the disposal of mercury-added products in solid waste landfills, transfer stations, or incinerators.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Phinizz yielded to questions.

Committee report adopted and ordered to third reading.

**HB 552**, prohibiting the intensive confinement of caged egg-laying hens. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard H. Snow for the Majority of Environment and Agriculture: The bill requires that fowl that are used for the production of eggs can not be confined in a living space that prevents it from extending its limbs without touching the sides of the living space. The committee heard extensive testimony on this bill and carefully considered it. While the committee as a whole was sympathetic to the intent of the bill, the majority accepted the reality of modern, scientifically accepted methods of production necessary to manage the health and viability of the flock in a cost effective manner. Further, the state veterinarian testified that he can, and has in the past, exercised his authority to intervene if it becomes necessary in a case where an owner isn't treating their animals, including fowl, in an acceptable, moral, reasonable and utilitarian manner. Vote 15-2.

Rep. Linda J. McCarthy for the Minority of Environment and Agriculture: We all learned as long ago as high school biology that one of the primary defining characteristics of animals is the ability to move. Movement is essential to life, and the minority believes that this bill does nothing more than provide the chickens that produce a valuable commodity for our society, eggs, with the right to move. No one is asking for us to stop eating eggs. No one is even asking that chickens be allowed to roam freely. All this bill does is guarantee that caged chickens at least have enough room to spread their wings. Opponents note that these so-called battery cages are not currently used in New Hampshire. The minority responds, so much the better. Then, we are not inconveniencing even one single farmer or egg producer. At the same time, we are sending a powerful message that such cruelty would never be tolerated in New Hampshire, that we value the simple basic right of animals, even those confined for our benefit, to move a tiny bit. Since such cages are not used in New Hampshire, the price of eggs will not increase even one penny should this bill pass. This bill has great merit and should pass overwhelmingly. Note also that although the total indicates a minority of only two, the original ought to pass motion had six aye votes.

Rep. McCarthy spoke against.

Rep. Webb spoke in favor.

Majority committee report adopted.

**HB 699**, establishing a commission to study methods and costs of sewage, sludge, and septage disposal. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leigh A. Webb for Environment and Agriculture: Methods and costs of disposal of sewage, sludge, and septage are an ongoing concern. The majority of the committee agreed that such issues as alternatives to current disposal methods and the feasibility of utilizing emerging technologies such as bioreactor landfills are worthy of study. Vote 12-1.

## Amendment (0808h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Sewage, Sludge, and Septage Disposal Commission. Amend RSA 485-A by inserting after section 57 the following new subdivision:

Sewage, Sludge, And Septage Disposal Commission

485-A:58 Commission Established. There is established a sewage, sludge, and septage disposal commission.

485-A:59 Membership and Compensation.

I. The members of the sewage, sludge, and septage disposal commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) One member from the division of water of the department of environmental services, appointed by the commissioner.

- (d) One member from the division of waste management, appointed by the commissioner.
- (e) The director of the office of energy and planning, or designee.
- (f) The commissioner of the department of agriculture, markets, and food, or designee.
- (g) The state epidemiologist, or designee.
- (h) A member representing the university of New Hampshire college of engineering and physical sciences appointed by the dean of the college.
- (i) A member representing the university of New Hampshire college of life sciences and agriculture, appointed by the dean of the college.
- (j) A member representing the institute for the study of earth, oceans, and space, appointed by the director of the institute.
- (k) a member representing the Thompson school of applied science, appointed by the dean of the school.
- (l) A member representing the university of New Hampshire cooperative extension, appointed by the director.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall choose a chairperson, a vice-chairperson and a clerk from its membership.

IV. Each legislative member of the commission shall be appointed to the commission for terms ending when the legislative term ends. Nonlegislative members shall be appointed to the commission for terms of 3 years.

485-A:60 Duties. The sewage, sludge, and septage disposal commission shall study:

- I. The costs involved with the disposal of sewage, sludge, and septage.
- II. The options used for sewage, sludge, and septage disposal.
- III. The technological alternatives to disposal methods used in New Hampshire and their costs.
- IV. The economic feasibility of alternatives to current disposal methods.
- V. The environmental impact of current and alternative disposal methods.
- VI. The costs, benefits, and feasibility of a state built bioreactor landfill.
- VII. The public health effect of current and alternative disposal methods.
- VIII. The definition of biosolids.

485-A:61 Meetings. The sewage, sludge, and septage disposal commission shall meet at least quarterly to discuss pending legislation and at such times as the chairperson may call.

485-A:62 Report. On or before November 1 of each year, the commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Committee report adopted and ordered to third reading.

### MOTION TO SPECIAL ORDER

Rep. Phinizy moved that **HB 812**, relative to making permanent certain exceptions to limits on land application of septage and sludge, be made a Special Order for March 28, 2007 as the first order of business.

Adopted.

### MOTION TO SPECIAL ORDER

Rep. Phinizy moved that **HB 836**, prohibiting wastewater treatment plants from excluding towns for septage treatment and disposal services, be made a Special Order for March 28, 2007 immediately following HB 812.

Adopted.

### REGULAR CALENDAR (CONT'D)

**HB 907-FN**, relative to the sale, distribution, and disposal of certain mercury-added products. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James G. Phinizy for Environment and Agriculture: This bill phases out the sale of certain types of mercury-added products such as measuring devices, thermometers, flow meters, switches, relays and thermostats. These products contribute large amounts of mercury to the solid waste stream when they are discarded and all have existing, economical, non-mercury substitutes already

on the market. The bill exempts replacement switches and relays used in existing equipment, as well as those products mandated by federal requirement. The bill also contains an exemption process for mercury-added products that have no alternatives on the market. Products such as fluorescent light bulbs and button batteries are not affected by this bill. Vote 15-0.

#### **Amendment (0756h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the sale and distribution of certain mercury-added products.

Amend RSA 149-M:53, V(a) as inserted by section 2 of the bill by replacing it with the following:

V.(a) Beginning July 1, 2008, no person shall sell, offer for sale, or distribute a new manufactured mercury switch, mercury relay, or mercury thermostat individually or as a product component. This prohibition does not apply if the switch, relay, or thermostat is used to replace a switch, relay, or thermostat that is a component in a larger product in use prior to July 1, 2008 provided that no compatible non-mercury replacement component exists.

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

#### **AMENDED ANALYSIS**

This bill restricts the sale and distribution of mercury-added products.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 38**, relative to terms of appointment for certain state officers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M. McMahon for the Majority of Executive Departments and Administration: This bill provides that commissioners of agencies in state government can remain in their positions after their term has expired if the governor gives written authorization for the commissioner to extend his/her service. The status of remaining in the position after a term expires is commonly referred to as a "hold over" which extends the incumbent's service in order to minimize disruption in replacing personnel and allows a governor to continue to search for and nominate a successor with the consent of the Executive Council should he/she choose. A bi-partisan majority of the committee believes that the amended version of HB 38 is in the interest of good government, good management and personnel practices as well as assuring accountability within the executive branch on behalf of New Hampshire citizens. Vote 11-4.

Rep. James F. Headd for the Minority of Executive Departments and Administration: The original bill applied to all appointees in classified positions as well as boards and commissions. The bill was amended to include only compensated employees. The minority's concern is that should the governor and council not agree on the nomination of a new commissioner, the deputy commissioner would then assume the commissioner's duties. This overlapping of position could last indefinitely with the deputy doing both jobs.

#### **Majority Amendment (0517h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Terms of Appointment. RSA 21:33-a, III is repealed and reenacted to read as follows:

III.(a) That any commissioner or agency head of a department, as defined in RSA 21-G:5, VI, who is an unclassified employee of the state, and appointed to such position, shall serve for the appropriate term or unexpired portion thereof. The commissioner or agency head may serve beyond the appointed term or unexpired portion thereof with the written authorization of the governor. This subparagraph shall also apply to the adjutant general and the attorney general, and to appointees to the liquor commission, the lottery commission, the pari-mutuel commission, and the public utilities commission.

(b) That any other appointee to such position shall serve for the appropriate term or unexpired portion thereof and until a successor is appointed and qualified.

2 Commissioner of Resources and Economic Development. Amend RSA 12-A:2 to read as follows:

12-A:2 Commissioner of Resources and Economic Development. There shall be a commissioner of resources and economic development who shall be appointed by the governor and council for a term of 4 years from the date of [his] appointment [~~and until his successor is appointed and qualified~~]. A vacancy shall be filled for the unexpired term. It shall be the responsibility of the

commissioner to organize and direct the work of the department. The commissioner of resources and economic development shall appoint one member of his *or her* staff who shall act in ~~[his] the commissioner's~~ stead when said commissioner is absent from the state and at such other times as ~~[he is so]~~ directed by the commissioner. When acting for the commissioner said person shall have all the power, duties and authority of the commissioner. Directors of departmental divisions shall be subject to the supervisory authority of the commissioner, which authority shall include power to establish department and divisional policy as well as to control the actual operations of the department and all divisions therein. The commissioner shall consult with the advisory commission prior to the establishment of general and divisional departmental policy.

3 Commissioner of the Department of Corrections. Amend RSA 21-H:6, I to read as follows:

I. The commissioner of the department shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years from the date of appointment ~~[and until a successor is appointed]~~.

4 Commissioner of the Department of Health and Human Services. Amend RSA 126-A:5, I to read as follows:

I. Administrative and executive direction of the department of health and human services shall be under the direction of a commissioner of health and human services who shall be appointed by the governor and council. The commissioner shall hold office for a term of 4 years from the date of the appointment ~~[and until a successor is appointed and qualified. RSA 21:33-a shall not apply to appointments made under this section]~~.

5 Liquor Commissioners. Amend RSA 176:1 to read as follows:

176:1 Commission. There shall be a state liquor commission consisting of 3 members appointed by the governor with the consent of the council. Not more than 2 members shall belong to the same political party. Each member shall hold office for a term of 6 years ~~[and until his successor has been appointed and qualified]~~. If a vacancy shall occur in the commission, it shall be filled for the remainder of the term. Any or all of the commissioners may be removed by the governor and council for cause.

6 Executive Director of the Fish and Game Department. Amend RSA 206:8, I to read as follows:

I. The commission, following a comprehensive and equitable search, shall nominate, and the governor and council shall appoint, an executive director of the fish and game department. If the governor and council fail to appoint the nominee, the commission shall nominate another person. Each nominee shall be a person with knowledge of, and experience in, the requirements for the protection, conservation and restoration of the wildlife resources of the state and shall be a competent administrator. The executive director shall hold office for a term of 4 years from the date of appointment ~~[and until a successor is appointed and qualified]~~. ~~[Notwithstanding RSA 21:33-a,]~~ A vacancy in such office shall be filled for ~~[a 4-year term from the date of appointment]~~ **the remainder of the unexpired term**. The governor and council shall have the authority to remove the executive director at any time, but only for just cause pursuant to RSA 4:1. In such case, the governor and council shall deliver to the executive director a copy of the charges and afford an opportunity of being heard publicly in person or by counsel after being given not less than 15 days notice. The executive director shall not hold any other public office, and shall be entirely devoted to the service of the state in the discharge of the official duties of the position. The executive director shall receive the compensation prescribed in RSA 94:1-4, and shall be reimbursed for all actual and necessary traveling and other expenses incurred in the discharge of official duties. Before entering upon the duties of the office, the executive director shall take the oath prescribed by the constitution, and shall, in addition thereto, swear that no other public office is held nor any position under any political committee or party is held. Such oath shall be filed with the secretary of state. The executive director shall have general supervision and control of all activities, functions, and employees of the fish and game department, and shall enforce all the provisions of the laws of this state relating to fish, wildlife resources, and marine species, and shall exercise all necessary powers incident thereto.

7 Labor Commissioner. Amend RSA 273:2 to read as follows:

273:2 Term of Commissioner; Removal. The commissioner shall hold office for 3 years from the date of ~~[his]~~ appointment ~~[and until his successor shall be appointed and qualified,]~~ and may be removed for cause by the governor, with the advice and consent of the council.

8 Commissioner of the Department of Employment Security. Amend RSA 282-A:108, II to read as follows:

II. The commissioner shall hold office for 5 years from the date of ~~[his]~~ appointment ~~[and until his successor is appointed and qualified]~~. Otherwise the commissioner may be removed only as provided in RSA 4:1.

9 Pari-Mutuel Commissioners. Amend RSA 284:6-a, I to read as follows:

I. There shall be a state pari-mutuel commission consisting of 6 members appointed by the governor with the advice and consent of the council. Three of the members shall represent the interests of greyhound racing. Three of the members shall represent the interests of thoroughbred horse racing and harness horse racing. Each member shall hold office for a term of 3 years ~~[and until a successor has been appointed and qualified]~~. Any vacancy shall be filled for the unexpired term. Annually, one member shall be chosen chairperson by the commission, and one shall be chosen as secretary.

10 State Lottery Commissioners. Amend RSA 284:21-a to read as follows:

284:21-a State Lottery Commission. There shall be and hereby is created a state lottery commission consisting of 3 members who shall be appointed and may be removed for cause by the governor with the advice and consent of the council. One member shall be appointed for one year, one for 2 years and one for 3 years, and upon the expiration of their terms of office their successors shall be appointed for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term. ~~[The members shall serve until their successors are appointed and qualified;]~~ No member of the commission shall have any pecuniary or other interest in any supplier or agent to the commission or in any licensee licensed under the provisions of this chapter.

11 Public Utilities Commissioners. Amend RSA 363:1 to read as follows:

363:1 Commission; Term. There shall be a public utilities commission, composed of 3 commissioners who shall be full-time employees and who shall engage in no other gainful employment during their terms as members. Their term of office shall be for 6 years ~~[and until their successors are appointed and qualified]~~. Of the 3 commissioners, one shall be an attorney and a member of the New Hampshire Bar and one shall have either background or experience or both in one or more of the following: engineering, economics, accounting or finance.

12 Public Utilities Commission; Executive Director. Amend RSA 363:27, III to read as follows:

III. EXECUTIVE DIRECTOR AND GENERAL COUNSEL. The commission shall appoint an executive director, *who shall serve for a term of 4 years.* ~~[and]~~ *The commission shall also appoint* a general counsel, ~~[each of whom]~~ *who* shall serve for a term of 4 years and until a successor is appointed and qualified.

13 Bank Commissioner. Amend RSA 383:1 to read as follows:

383:1 Commissioner and Deputy. There shall be a bank commissioner who shall be appointed by the governor with the advice and consent of the council, and ~~[his]~~ *whose* term shall be for 6 years ~~[or until his successor is appointed and qualified]~~. There shall be a deputy bank commissioner who shall be recommended by the bank commissioner and appointed by the governor with the advice and consent of the council, and ~~[his]~~ *whose* term shall be 6 years. The deputy may exercise the powers and perform the duties of the commissioner during ~~[his]~~ *the commissioner's* absence whenever and to the extent that he *or she* may be so authorized by the commissioner. In case of the temporary disability of the commissioner, or of a vacancy in the office, the deputy shall have the powers and perform the duties of the commissioner until another commissioner is appointed and qualified.

14 Insurance Commissioner. Amend RSA 400-A:3 to read as follows:

400-A:3 Insurance Commissioner; Appointment; Term. The head of the department shall be the insurance commissioner who is charged with the rights, powers, and duties pertaining to the enforcement and execution of the insurance laws of this state. The commissioner shall have all powers specifically granted to him *or her* or reasonably implied in order to enable him *or her* to perform the duties imposed ~~[upon him]~~ by this title. The commissioner shall have such additional rights, powers, and duties as may be provided by other laws. The commissioner shall be appointed by the governor with advice and consent of the council. The commissioner shall hold office for 5 years ~~[and until a successor has been appointed and has qualified]~~. Vacancies in the office of the insurance commissioner shall be filled for the unexpired term of such office. ~~[He]~~ *The commissioner* may be removed only as provided by RSA 4:1.

15 Commissioner of the Department of Agriculture, Markets, and Food. Amend RSA 425:3, I to read as follows:

I. The commissioner of the department of agriculture, markets, and food shall be appointed by the governor, with the consent of the council, for a term of 5 years ~~[and until a successor is appointed and qualified]~~. Prior to the appointment of a commissioner, the governor and council shall receive and consider the recommendations of the agricultural advisory board as to such appointment. The commissioner of agriculture, markets, and food shall be qualified by reasons of professional competence, education, and experience.

16 Repeals and Revisions; Term of Office. Amend RSA 624:8 to read as follows:

624:8 Term of Office. If the time of the beginning of a term of office is changed by the Revised Statutes Annotated, the incumbent of the office under the provisions of the former statute shall hold the office until the time fixed by the Revised Statutes Annotated for the beginning of the term ~~[and until a successor is chosen and qualified under the provisions of the Revised Statutes Annotated and not afterward]~~, except in cases otherwise specially provided for.

17 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill provides that certain commissioners and agency heads shall serve for their appointed term, and not until a successor is appointed and qualified, unless the governor explicitly grants such an extension. The bill also removes language permitting them to retain office until a successor is appointed and qualified from the specific statutes that establish their positions and terms of appointment.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

**HB 229**, relative to licensing requirements for operators of games of chance. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Hector M. Velez for the Majority of Executive Departments and Administration: This is a combination of two bills related to charitable gaming. There was bi-partisan agreement that, if a facility allowed charitable gaming to be conducted less than three times in a calendar year, the facility in which the games of chance were conducted shall be exempt from licensing requirements. The bill also clarifies that all applicants shall be subject to national criminal background checks, including the submission of fingerprints to the Federal Bureau of Investigation for a criminal background check. The committee also had discussion around the fact that there is a study commission (set up by the Legislature in 2006), that has been taking an extensive look at charitable gaming in the State of New Hampshire and will continue to study charitable gaming. The report is due out to the Legislature by July 1, 2007. Vote 8-4.

Rep. Ken Hawkins for the Minority of Executive Departments and Administration: The minority can not agree with an amendment that was brought forth. The original bill allowed for the pari-mutual commission to implement fines after approval by the Joint Legislative Committee on Administrative Rules. Presently, they can only suspend or revoke a license, and this would have given them another avenue to use in the case of minor violations. The second more critical part that was taken out of the original bill was the removal of the section that mandated 35% of the gross revenues must go to charity and all other expenses would come from the remaining 65%. By removing this section, the charity would pay the rent of the hall out of their 35% and we do not feel that that is fair.

### Majority Amendment (0917h)

Amend the bill by replacing all after the enacting clause with the following:

1 Ice Outs. Amend RSA 287-D:1, II to read as follows:

II. "Games of chance" means any game involving gambling as defined by RSA 647:2, II, or any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot machine or any other device in the nature of a slot machine, ~~or 50/50 raffles as defined in RSA 287-A:1, III, or ice-out contests as defined in RSA 287-D:1, IV~~.

2 Charitable Organization; Definition. Amend the introductory paragraph of RSA 287-D:1, III(a) to read as follows:

(a) "Charitable organization" means any bona fide religious, charitable, civic, veterans', or fraternal or church organization, including police and firemen's organizations which shall have been registered with the secretary of state for at least 2 years and in existence for at least 2 years in a town or city in this state, provided that the primary activities conducted by the organization were for the



purpose for which the organization was established and have not included charitable gambling operations; which ~~[is organized under the laws of this state; and to which contributions are exempt from federal income tax]~~ **is tax exempt under Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19), or is covered under authority of those sections.** To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

3 New Paragraph; Ice Outs. Amend RSA 287-D:2 by inserting after paragraph VI the following new paragraph:

VII. The requirements of this chapter shall not apply if the only game being conducted by the charitable organization is an ice-out contest.

4 License Applications. Amend RSA 287-D:2-a, V(c) to read as follows:

(c) That neither the applicant nor any person who will be participating in the operation of the games of chance has been convicted of a felony **or a class A misdemeanor** within the previous 10 years which has not been annulled by a court, or a **class B misdemeanor** ~~[involving falsehood or dishonesty]~~ within the previous 5 years which has not been annulled by a court, or has violated any statutes or rules governing charitable gambling **in New Hampshire or any other state.**

5 License Applications; Charitable Organizations. Amend RSA 287-D:2-a, VI to read as follows:

VI. If a charitable organization intends to **use**, lease, or rent premises for the conduct of any game of chance from an entity other than a charitable organization or governmental subdivision, the entity leasing or renting out **or otherwise allowing a charitable organization to use** the premises shall be licensed by the pari-mutuel commission. **Any entity other than a charitable organization or governmental subdivision with a facility at which games of chance are held for no more than 3 game dates per calendar year shall be exempt from the licensing requirement of this paragraph.** The license shall be applied for by filing an application supplied by the pari-mutuel commission. The pari-mutuel commission may issue a license for a period of one year which shall expire on June 30 of each year unless sooner revoked or suspended for just cause by the pari-mutuel commission.

6 New Paragraph; License Applications. Amend RSA 287-D:2-a by inserting after paragraph IX the following new paragraph:

X. At least 45 days prior to each game date, the charitable organization shall submit the date and location of the game of chance, if this information has not already been submitted to the pari-mutuel commission pursuant to subparagraph II(a).

7 License Applications. Amend RSA 287-D:2-b, II-IV to read as follows:

II. No compensation shall be paid to operators of a game of chance unless agreed to in advance in writing by the charity. Compensation shall include, but is not necessarily limited to, money or any other thing of value. If the paid game operator's compensation is contingent upon the amount of revenue received from a game of chance, the compensation shall be a fixed percentage of the gross revenue from the game of chance excluding the paid game operator's expenses. If the compensation of a paid game operator is not contingent upon the amount of revenue received, the compensation shall be a reasonable estimate, expressed as a percentage of the gross revenue. The contract shall clearly disclose the assumptions upon which the estimate is based. The stated assumptions shall be based upon all of the relevant facts known to the paid game operator regarding the services to be provided and the past performance of games of chance operated by the paid game operator. **Any agreement entered into by the charity with the game operator shall be made available upon request, to the pari-mutuel commission for review. Such agreement shall take into consideration all other expenses related to the games of chance including security fees, facility rental fees, equipment rental fees, and advertising so that, after such expenses and fees are paid, the agreement shall result in the charity receiving no less than 35 percent of the gross revenues minus prices paid as specified in RSA 287-D:3, VIII, absent exigent circumstances as may be defined by the commission.**

**II-a. Unless otherwise agreed to in advance, pursuant to paragraph II, in writing by the charitable organization, operators of games of chance may be reimbursed for their out-of-pocket expenses in an amount not to exceed \$25 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.**

III. No one under the age of 18 years shall be admitted to the premises on which games of chance are being conducted, except when the games are being conducted at a carnival. Proof of age shall be produced upon request of the ~~[lottery]~~ **pari-mutuel** commission. When games of chance are conducted

at a carnival, persons under the age of 18 years may be admitted to the premises on which the games are being conducted when accompanied and supervised by a parent or legal guardian; but persons under the age of 18 shall not be permitted to play games of chance at a carnival.

IV. No games of chance shall be conducted prior to 11:00 a.m. on a weekday *or Saturday*, prior to noon on a Sunday, or after 1:00 a.m. on any day.

8 Operation of Games of Chance. Amend RSA 287-D:2-b, VII to read as follows:

VII. Only the treasurer of the charitable organization or a bona fide member of the charitable organization designated by the treasurer, shall ~~handle~~ **be responsible for** any monetary transactions related to the game of chance.

9 Licensing of Game Operators. Amend RSA 287-D:2-c, I to read as follows:

I. As used in this section, game operators means any consultant or any person other than a bona fide member of the charitable organization involved in conducting, managing, supervising, directing, or running the games of chance, and those involved in such tasks as dealing, running a roulette wheel, *or* handling chips~~[-and serving beverages or food]~~.

10 Licensing of Game Operators. Amend RSA 287-D:2-c, II(a) to read as follows:

(a) The name *and social security number* of the game operator *or for an organization the name and federal tax identification number. The pari-mutuel commission shall not disclose any social security number submitted.*

11 Licensing of Game Operators. Amend RSA 287-D:2-c, III(b) to read as follows:

(b) Has submitted a background and criminal **record** check pursuant to RSA 287-D:8; and  
12 Equipment; Inspection. Amend RSA 287-D:3, II to read as follows:

II. Any and all devices and equipment used to conduct said games of chance shall be subject to inspection by duly authorized law enforcement *or pari-mutuel* officials.

13 Background and Criminal Records Check. Amend RSA 287-D:8, III to read as follows:

III. All applicants shall also be subject to a **national criminal** background check, *including the submission of fingerprints to the Federal Bureau of Investigation for a criminal history background check*, by the pari-mutuel commission to determine if they are eligible for licensure under this chapter.

14 New Paragraph; Background and Criminal Records Check. Amend RSA 287-D:8 by inserting after paragraph III the following new paragraph:

IV. The pari-mutuel commission shall bill the applicant for any cost associated with the criminal or background record check to cover any fee charged by the department of safety for the criminal records check in paragraph I or by the Federal Bureau of Investigation for the background check in paragraph III.

15 License Applications; Charitable Organizations. Amend RSA 287-D:2-a, II(f) to read as follows:

(f) If any of the proposed games are to be held in a location licensed pursuant to RSA 287-D:2-a, VI, the name and address of the person or business from whom the space is being rented *or permission for use has been granted.*

16 Repeal. The following are repealed:

I. RSA 287-D:2-b, XIII, relative to relative to submission of information to the pari-mutuel commission.

II. RSA 287-D:2-d, IV, relative to authorization of specific games.

III. RSA 284:23, V, relative to tax rates for Rockingham Park.

17 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill:

I. Expands the definition of "charitable organization" for the purposes of games of chance.

II. Expands the information about a game operator that must be submitted to the pari-mutuel commission.

III. Makes certain changes to rules of licensure for operators of games of chance.

IV. Repeals a tax expiration provision relative to Rockingham Park.

This bill was requested by the pari-mutuel commission.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

**HB 543**, establishing a commission to study the licensing process for licensed alcohol and drug counselors. **OUGHT TO PASS.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill calls for an interdisciplinary commission to explore the licensing process for alcohol and drug counselors. The original statute was passed in 1998. Much has been learned about substance abuse since that time. The charge to the commission is to review and make recommendations regarding the following: the number of hours of supervision required for those in training, the course content required for licensure, the number of relevant work hours required and the scope of practice for individuals licensed under the RSA. Vote 15-2.

Committee report adopted and ordered to third reading.

**HB 571-FN**, relative to full-time seasonal state employees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for the Majority of Executive Departments and Administration: This bill will allow full-time temporary state employees to be included in the death benefit under RSA 21-I:29. Currently, they have no benefits that a normal employee would have. They are hired for seasonal work – such as college students during the summer. It was discussed in committee that we would be now giving a benefit that was not negotiated, but these people do not belong to any union that could negotiate for them. They work in sometimes challenging positions along our state highways and could be killed by motorists or equipment. The funeral expenses can be a burden to their family. One young man did in fact die last year (while swimming on lunch break), and that is what brought this issue forward. Vote 10-6.

Rep. John Reagan for the Minority of Executive Departments and Administration: This bill was prompted by an emotional reaction to a tragedy befalling a New Hampshire family. The family's loss was made worse by the deceased having made no provision for his final expenses. The young man died during a work day for the Department of Transportation while on his lunch break. As a seasonal employee, he was not entitled to a death benefit that is commonly negotiated for state classified employees. His survivors did receive a workers compensation settlement. It is not our function as guardian of the taxpayer's dollar to confer benefits on state employees because they failed to purchase life insurance. The hiring authority negotiates or grants benefits in order to recruit and maintain a productive workforce. It was not found necessary to offer a free life insurance policy to maintain the seasonal workforce. The Legislature should not second guess the executive function of hiring employees or the wisdom of the executive regarding the use of benefits to compensate the workforce. There is a process to negotiate wages and benefits for state employees. It is not appropriate for the Legislature to override the compensation process administered by the Personnel Division in Administrative Services. We are sorry for the family of the unfortunate person who lost his life. We are at the same time conscious of the burden of paying taxes to maintain state government.

On a division vote, 165 members having voted in the affirmative and 112 in the negative, the Majority committee report was adopted.

Ordered to third reading.

**HB 593-FN**, relative to penalties for violations of licensing requirements for certain regulated professions. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne E. Beauchesne for Executive Departments and Administration: This bill would increase penalties for violations of licensing requirements for a number of regulated professions. On the day of the hearing, the sponsor did not appear to present or defend the bill, nor was any testimony – pro or con – made available. Vote 13-2.

Committee report adopted.

**HB 653**, relative to the membership of the New Hampshire retirement system board of trustees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M. McMahon for Executive Departments and Administration: The committee amended this bill to include aspects of a number of retirement bills and to retain the defined benefit plan of the New Hampshire Retirement System (NHRS). This comprehensive approach is a first step to stabilize the pension fund and the employee and employer rates. The aim is to attain a funding level of the consolidated retirement system equal to or greater than 85% of full funding of the retirement costs of all current employees and retirees. The funding methodology for financing the NHRS will change to "entry age normal" (pay as you go) and is anticipated to require a 30 year

amortization of unfunded actuarial accrued liabilities (UAAL) of all public retirement systems by the Governmental Accounting Standards Board. This change will reduce the volatility of the employer's contribution to the pension fund and assure predictability for the beneficiaries and the employers. In the future, the employer rates will be no less than the employees' rates. After the consolidated retirement system is 85% fully funded, funds may go to the special account. Earnings of the remaining assets of the retirement system which are in excess of 10 and one-half percent (a trigger) will be allocated to the special account. More flexibility will be allowed for the fiscal committee to provide supplemental allowances (cost of living allowances – COLA's) should they see fit to consider any additional benefits. One new member has been added to the board of trustees of the NHRS to provide representation from the management in local government. Vote 16-0.

#### Amendment (0930h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the determination of benefits, funding, and administration of the New Hampshire retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Gender Neutral; Definition; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean the average annual earnable compensation of a member during his *or her* highest 3 years of creditable service, or during all of the years in his *or her* creditable service if less than 3 years.

2 New Section; Maximum Benefit Amount. Amend RSA 100-A by inserting after section 6 the following new section:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, any member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation. This provision shall not limit the application of supplemental allowances under RSA 100A: 41-a.

3 Board of Trustees; Local Government Member Added. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of ~~[13]~~ **14** trustees. The state treasurer shall be an ex officio ~~[voting]~~ **nonvoting** member of the board. The governor and council shall appoint 2 trustees, to be known as non-member trustees, who shall be qualified persons with business experience and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified, except that the original appointment of one of the non-member trustees shall be for a term of one year. The remaining ~~[10]~~ **11** members of the board shall consist of 2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen, one member of the senate who ~~[serves on the insurance committee and who]~~ shall be appointed annually by the senate president, ~~[and]~~ one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house, **and one person representing management in local government**. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, ~~[and]~~ the New Hampshire state permanent firemen's association, **and the New Hampshire Local Government Center** shall each annually nominate from their members a panel of 5 persons, all of whom **except for the panel of the Local Government Center** shall be active members of the retirement system, or one of the 4 predecessor systems, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From each of the above named panels the governor and council shall ~~[originally]~~ appoint ~~[2 persons, and thereafter]~~ **one person** annually to the board, **except for the panel of the Local Government Center, which shall have one person appointed every 2 years**. Members appointed to the board in the manner aforesaid shall serve for a term of 2 years~~[, except that the original appointments of one of the persons from each panel shall be for a term of one year]~~. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term from the same panel from which the former member was appointed. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees.

4 Board of Trustees; Quorum. Amend RSA 100-A:14, IV to read as follows:

IV. Each trustee shall be entitled to one vote in the board of trustees. ~~[Six]~~ **Seven** trustees shall constitute a quorum for the transaction of any business. ~~[Six]~~ **Seven** votes shall be necessary for any resolution or action by the board at any meeting.

5 Method of Financing. Amend the introductory paragraph of RSA 100-A:16 to read as follows:

100-A:16 Method of Financing. All of the assets of the retirement system shall be credited, according to the purpose for which they are held, between 2 funds, namely, the member annuity savings fund and the state annuity accumulation fund. Each of the funds shall be subdivided on account of the various member classifications. In making the determinations required under this section for financing the retirement system, the board of trustees shall use the ~~[open group aggregate]~~ **entry age normal** funding methodology. The board of trustees shall direct the system's actuary to prepare biennial valuations of the system's assets and liabilities commencing with the valuation prepared as of June 30, ~~[1991]~~ **2007**. Such biennial valuation shall be the ~~[sole]~~ basis for determining the annual contribution requirements of the system until the next following biennial valuation.

6 Gender Neutral. Amend RSA 100-A:16, I(d) to read as follows:

(d) The accumulated contributions of a member withdrawn by ~~[him]~~ **the member**, or paid to his ~~or her~~ estate or ~~[to his or her]~~ designated beneficiary in event of his ~~or her~~ death in service, shall be paid from the member annuity savings fund. Upon the retirement of a member, his ~~or her~~ accumulated contributions shall be transferred from the member annuity savings fund to the state annuity accumulation fund.

7 Method of Funding; Unfunded Accrued Liability. Amend RSA 100-A:16, II(d) to read as follows:

(d) Immediately following the actuarial valuation prepared as of June 30~~[1968]~~ **of each fiscal year**, the board shall have an actuary determine the amount of the unfunded accrued liability for each member classification as the amount of the total liabilities of the state annuity accumulation fund on account of such classification which is not dischargeable by the total of the funds in hand to the credit of the state annuity accumulation fund on account of such classification, and the aforesaid normal contributions to be made on account of the members in such classification during the remainder of their active service. The amount so determined with respect to each member classification shall be known as the "unfunded accrued liability" with respect to such classification. On the basis of each such unfunded accrued liability, the board shall have an actuary determine the level annual contribution required to discharge such amount over a period of ~~[20 years from June 30, 1968]~~ **30 years or the maximum period allowed by standards adopted by the Government Accounting Standards Board, whichever is less**.

8 Method of Funding; Special Account; Normal Contribution Rate. Amend RSA 100-A:16, II(h) and (i) to read as follows:

(h) There shall be a special account for additional benefits held by the board of trustees. Beginning July 1, 2003, the special account shall be subdivided into components representing the 4 retirement system member classifications, as defined in RSA 100-A:1, with each component subdivided proportionally between employees of the state and employees of the political subdivisions of the state. The balance of the special account attributed to each component as of June 30, 2003 shall be subdivided between state and political subdivision classifications based upon the actuarial liabilities of the member and retiree groups. Beginning with the fiscal year ending June 30, 1990, the amount credited annually to the special account shall be determined as follows:

(1) Each component of the special account shall first be credited with all the earnings of that component for the fiscal year.

(2) **If the actuary determines that the funded ratio of the consolidated retirement system as of June 30 of any given year is equal to or greater than 85 percent, then** all of the earnings of the remaining assets of the retirement system which are in excess of ~~[the assumed rate of return plus 1/2 of one]~~ **10 and one-half percent [added to such rate]** shall be allocated to the 4 member classifications. The assumed rate of return shall be determined by the board of trustees.

(3) Any funds held in special reserve as of June 30, 1996, shall be transferred to the respective component of the special account according to the following schedule:

(i) One-half of the funds held in special reserve as of June 30, 1996.

(ii) One-half of the remaining funds as of June 30, 1997, plus earnings from July 1, 1996 to June 30, 1997.

(iii) All remaining funds as of June 30, 1998, plus earnings from July 1, 1997, to June 30, 1998.

(4) [Repealed.]

(5) None of the assets held in the special account shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b), (c) and (d).

(6) [Repealed.]

(7) The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the respective components of the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph.

The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-A:41-a and, second, ~~[to the extent that funds may be available in the special account in excess of a 3-year 5 percent COLA reserve,]~~ to provide additional benefits *in accordance with RSA 100-A:50 through RSA 100-A:55* to retired members and beneficiaries of the retirement system with the specific approval of the appropriate policy committees and approval of the general court. ~~[Nothing in this section shall preclude the appropriate legislative policy committees and the general court from adopting legislation that provides additional benefits in the event that the special account does not contain a 3-year, 5 percent COLA reserve.]~~

(i) If the actuarially determined normal contribution rate as set forth in subparagraphs (b)[~~;~~ and (c)[~~;~~ and (d)] on account of any of the various member classifications shall be negative in any fiscal year, then the excess amount resulting from the difference between zero and the negative actuarially determined normal contribution rate shall be used to reduce the employee contribution rate for that member classification in that fiscal year.

9 Employer Contributions. Amend RSA 100-A:16, III to read as follows:

### III. EMPLOYER CONTRIBUTIONS.

(a) On or before the first day of October next preceding each regular session of the state legislature, the board of trustees shall certify to the commissioner of administrative services the amounts which will become due and payable by the state during the biennium next following to the retirement system and it shall be the duty of the commissioner of administrative services in preparing the executive budget for each ensuing biennium to include in the budget the amounts so certified which amounts shall be appropriated by the legislature. The amounts so certified under this subparagraph shall include the unfunded accrued liability of the retirement system. *The annual employer contribution requirements effective July 1, 2008 and as calculated each year thereafter shall not be less than the employee contribution rates under RSA 100-A:16, I(a).*

(b) A county, city, town, school district or other political subdivision of the state having any employee members who are paid directly by the state but for whom the staff is later reimbursed for the part of their compensation not chargeable to state funds shall likewise reimburse the state for that part of the contribution made by the state to this system which is based on such part of compensation not chargeable to state funds.

(c) At the beginning of each year commencing on the first day of July the board of trustees shall certify to each employer other than the state the percentage rates of contribution due the system from each such employer, and shall assess upon each such employer such percentages of the earnable compensation of members in its employ, and it shall be the duty of the treasurer or other disbursing officer of each such employer to pay to the board of trustees such portion of the annual amount so assessed at such times and in such manner as the board of trustees may prescribe. Each such employer is hereby authorized to appropriate the sums necessary for the payment of such assessments. *The annual employer contribution requirements effective July 1, 2008 and as calculated each year thereafter shall not be less than the employee contribution rates under RSA 100-A:16, I(a).*

10 Repeal. The following are repealed:

I. RSA 100-A:4, VII, relative to purchase of nonqualified service credit.

II. RSA 100-A:16, II(d) relative to the procedure for determining contribution rates.

11 Effective Date. This act shall take effect July 1, 2007.

### AMENDED ANALYSIS

This bill changes the procedure for calculating contribution rates and for determining cost-of-living adjustments. The bill also repeals the authority for nonqualified service credit and adds a local government member to the board of trustees.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.  
Rep. Patricia McMahon spoke in favor and yielded to questions.

Rep. Kurk spoke in favor.

On a division vote, 325 members having voted in the affirmative and 12 in the negative, the committee report was adopted.

Ordered to third reading.

Rep. John Thomas declared a conflict of interest on **HB 653** and did not participate.

**HB 828-FN**, relative to a state ethics officer. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill, as amended, requires that the secretary of state designate an employee of the department of state to be the state "ethics officer." The mandated responsibilities of this individual will be to follow through on the administrative requirements related to the submission and review of the specific legislative reporting forms, to communicate with candidates for public office re: completion and submission of forms, respond to all inquiries from candidates for public office, and make or forward complaints alleging violations of the state ethics code to the attorney general. This individual will be a knowledgeable, consistent voice for current and prospective office holders as well as members of the executive branch on the ethics laws over which the secretary of state has jurisdiction. The amended version of the bill removes any responsibilities that may have necessitated the "ethics officer" become a new position. Therefore, there is no longer a fiscal note attached to this bill. Vote 12-3.

**Amendment (0822h)**

Amend RSA 21-G:28-a as inserted by section 1 of the bill by replacing it with the following:

21-G:28-a Ethics Officer; Appointment; Duties and Responsibilities.

I. The secretary of state shall designate an employee of the department of state as the state ethics officer, who shall be responsible for the administration of this subdivision.

II. The ethics officer shall:

(a) Review the administrative requirements of this subdivision and the submission of forms pursuant to RSA 15-A and RSA 15-B.

(b) Communicate with all candidates for public office and all executive branch officials on the administrative requirements of this subdivision and the submission of forms pursuant to RSA 15A and RSA 15-B.

(c) Respond to any inquiries from candidates for public office and executive branch officials on the administrative requirements of this subdivision and the submission of forms pursuant to RSA 15-A and RSA 15-B.

(d) Make or forward complaints alleging violations of the provisions of the state ethics code to the attorney general or the executive branch ethics committee, established under RSA 21G:29.

III. The state ethics officer shall not be authorized to render legal advice.

IV. The state ethics officer shall attend meetings of the legislative ethics committee, the executive branch ethics committee, and any other ethics committees or commissions established by statute.

V. Any state agency, commission, or committee authorized by statute to issue opinions interpreting a state ethics law shall submit a copy of any written decision or opinion to the state ethics officer and to the secretary of state. Such written decisions or opinions may be redacted prior to submission in order to protect confidential or nonpublic information.

On a division vote, 220 members having voted in the affirmative and 116 in the negative, the committee amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

On a division vote, 217 members having voted in the affirmative and 120 in the negative, the committee report was adopted.

Ordered to third reading.

**HB 881-FN**, relative to the licensure and regulation of interior designers. **INEXPEDIENT TO LEGISLATE.**

Rep. Catriona D. Beck for Executive Departments and Administration: This bill relates to establishing a board of interior designers which would implement regulation and licensure certification in the practice of interior design within the state of New Hampshire. The committee recognized and commended members of New Hampshire Interior Design Coalition (NHIDC) for the amount

of hard work and effort put forth to present their case in expressing their support of licensure for the interior design profession within the state of New Hampshire. The committee, having heard testimony from countless members of the interior design community with differing opinions regarding licensure and regulation within the industry, could not find sufficient or compelling enough evidence to support licensure for interior designers at this present time. It was noted that only four states require regulation and licensure of the interior design profession. The committee took into consideration the financial impact on small businesses within the industry, the restrictive conditions and hardship this bill would cause to many New Hampshire interior designers, the lack of educational courses offered within our state, the wide philosophical differences within the New Hampshire interior design community and lack of impact on the welfare and safety of the public at large. Vote 12-4. Committee report adopted.

**(Rep. Foster in the Chair)**

### **REGULAR CALENDAR (CONT'D)**

**HB 923**, prohibiting dog racing in New Hampshire and establishing a committee to make recommendations for mitigating the impacts of prohibiting dog racing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Francis B. Sullivan for the Majority of Executive Departments and Administration: This bill would prohibit dog racing in New Hampshire and establish a committee to make recommendations to study the impact of eliminating racing. This bill would in effect shut down an entire industry by abolishing dog racing in New Hampshire. The committee heard extensive testimony over two days of hearings from all sides on this issue. Passage of this bill would mean the 500 plus employees of race tracks (most of whom are New Hampshire residents), the state employees who regulate the industry and employees of the kennels who care for the dogs would lose their jobs. Every aspect of the business is highly regulated. For example, every employee involved must be licensed by the state. The race tracks contribute millions of dollars to the economy of our state including over \$500,000 in taxes and fees to the three communities where the tracks are located. Information presented also demonstrates that many injuries referred to by the bill's proponents in fact did not occur during a race, but resulted from everyday activity just as it could happen to a pet in a home. The majority of the committee believes that the racing dogs are well cared for. We have confidence in state regulators that they hold the welfare of the dogs in the highest importance. Vote 14-3.

Rep. John Reagan for the Minority of Executive Departments and Administration: The arguments against this bill are directed at the economic impact of closing the tracks. The bill allows for a study commission aimed at the economic impact of not allowing dog racing. Everyone agreed many injuries occurred to the animals. Proponents stated not all injuries occurred during actual races. We all do agree all injuries occur to the animals while they are at the track. The difference is between incidental and accidental occurrences of death and injury compared to overlooking regular injury and death at the tracks. Our society should not accept a state revenue dollar amount as justifying an immoral activity.

### **MOTION TO LAY ON THE TABLE**

Rep. Graham moved that **HB 923**, prohibiting dog racing in New Hampshire and establishing a committee to make recommendations for mitigating the impacts of prohibiting dog racing, be laid on the table.

Rep. Dumaine requested a roll call; sufficiently seconded.

**YEAS 99 NAYS 240**

**YEAS 99**

**BELKNAP**

Boyce, Laurie  
Tilton, Franklin

Clark, Charles  
Whalley, Michael

Flanders, Donald

Millham, Alida

**CARROLL**

Buco, Thomas

Chandler, Gene

**CHESHIRE**

Butynski, William  
Roberts, Kris

Dunn, J. Timothy

Espieffs, Peter

Hunt, John



**COOS**

Ingersoll, Paul Sr

Remick, William

**GRAFTON**Aguiar, James  
Hammond, LeeBenn, Bernard  
Harding, A Laurie

Dingman, Vernon III

Gionet, Edmond

**HILLSBOROUGH**Batula, Peter  
Francoeur, Bea  
Graham, John  
Holden, Randolph  
Kopka, Angeline  
O'Brien, Michael Sr  
Rowe, Robert  
Ulery, JordanCampbell, David  
Garrity, Patrick  
Haefner, Robert  
Hunter, Bruce  
Manney, Pamela  
O'Neil, James  
Spratt, Stephen  
Velez, HectorChristensen, Chris  
Ginsburg, Ruth  
Hawkins, Ken  
Irwin, Anne-Marie  
Martineau, Jesse  
Pilote, Maurice  
Sullivan, DanielCote, David  
Gorman, Mary  
Hogan, Edith  
Jasper, Shawn  
McRae, Karen  
Rosenwald, Cindy  
Sullivan, Francis**MERRIMACK**Anderson, Eric  
Humphries, CharlieBouchard, Candace  
MacKay, JamesDeJoie, John  
McMahon, PatriciaHamm, Christine  
Wallner, Mary**ROCKINGHAM**Abbott, Dennis  
Dalrymple, David  
Garrity, James  
Hutchinson, Karen  
Lister, Charlotte  
Moody, Marcia  
Rausch, James  
Weyler, KennethAllen, Mary  
Devine, James  
Gleason, John  
Introne, Robert  
Major, Norman  
Nowe, Ronald  
Sanders, ElisabethCamm, Kevin  
Fesh, Bob  
Headd, James  
Katsakiores, George  
McEachern, Paul  
Packard, Sherman  
Waterhouse, KevinCarson, Sharon  
Flanders, John Sr  
Hopfgarten, Paul  
Katsakiores, Phyllis  
McKinney, Betsy  
Pantelakos, Laura  
Weare, Everett**STRAFFORD**Hutz, Sarah  
Smith, MarjorieRollo, Deanna  
Vachon, DennisRollo, Michael  
Wall, Janet

Rous, Emma

**SULLIVAN**

Cloutier, John

Ferland, Brenda

Franklin, Peter

Gagnon, Raymond

**NAYS 240****BELKNAP**Allen, Janet  
Pilliod, James  
Wendelboe, FranArsenault, Beth  
Reever, JudithMorrison, Gail  
Russell, DavidNedeau, Stephen  
Thomas, John**CARROLL**Ahlgren, Christopher  
Cunningham, Howard  
Martin, JamesBridgham, Robert  
Denley, William  
Morrow, HarryBrown, Carolyn  
Heard, Virginia  
Patten, BetseyButler, Edward  
Knox, J. David  
Stevens, Stanley**CHESHIRE**Burrige, Delmar  
Emerson, Susan  
Parkhurst, Henry  
Sad, TaraButcher, Suzanne  
Johnson, Jane  
Pelkey, Stephen  
Weber, LucyButterworth, Timothy  
Lerandeau, Alfred  
Richardson, BarbaraChase, William  
Mitchell, Bonnie  
Robertson, Timothy**COOS**Hatch, William  
Merrick, Scott  
Thomas, YvonneKing, Frederick  
Stohl, EricMears, Edgar  
Theberge, RobertMerrick, Evalyn  
Tholl, John Jr

**GRAFTON**

Almy, Susan  
Cooney, Mary  
Matheson, Robert  
Preston, Philip

Andersen, Gene  
Estes, Carole  
McLeod, Martha  
Solomon, Peter

Bleyler, Ruth  
Friedrich, Carol  
Nordgren, Sharon  
Sorg, Gregory

Bulis, Lyle  
Lovett, Sid  
Pierce, David

**HILLSBOROUGH**

Barry, Richard  
Bergin, Peter  
Coughlin, Pamela  
Day, Russell  
Elliott, Nancy  
Fontas, Jeffrey  
Hackel, Paul  
Harvey, Suzanne  
Jean, Claudette  
Knowles, Mary Ann  
Lawrence, James  
Long, Patrick  
Messier, Irene  
Peterson, Andy  
Reuschel, Michael  
Shaw, Kimberly  
Stepanek, Stephen

Beaulieu, Jane  
Brunelle, Michael  
Crane, Elenore Casey  
Dokmo, Cynthia  
Emerton, Larry  
Forest, Armand  
Hall, Betty  
Hebert, Roger  
Kaelin, Michael  
Kurk, Neal  
Leishman, Peter  
Mack, Ron  
Mooney, Maureen  
Price, Pamela  
Schulze, Joan  
Simon, Anthony  
Vaillancourt, Steve

Beck, Catriona  
Chase, Claudia  
Daler, Jennifer  
Drisko, Richard  
Essex, David  
Gargas, Carolyn  
Hammond, Jill  
Hinkle, Peyton  
Kelley, John  
L'Heureux, Robert  
Levasseur, Nickolas  
Matarazzo, Anthony Sr  
Moran, Edward  
Reeves, Sandra  
Shattuck, Gilman  
Smith, David  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Christiansen, Lars  
Daniels, Gary  
Edwards, Andrew  
Fletcher, Richard  
Goley, Jeffrey  
Hansen, Ryan  
Infantine, William  
Knowles, John  
Lasky, Bette  
Levesque, Melanie  
Mesa, Lily  
Movsesian, Lori  
Renzullo, Andrew  
Shaw, Barbara  
Soucy, Connie  
Winters, Joel

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
Ehlers, Eileen  
Kelly, Sally  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Wheeler, Deborah

Beauchesne, Suzanne  
Clarke, Claire  
Foose, Robert  
Kidder, David  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Yeaton, Charles

Blanchard, Elizabeth  
Davis, Frank  
French, Barbara  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Walz, Mary

Brown, Carole  
DeStefano, Stephen  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances  
Shurtleff, Stephen  
Webb, Leigh

**ROCKINGHAM**

Baldasaro, Alfred  
Borden, David  
Case, Frank  
DiFruscia, Anthony  
Flockhart, Eileen  
Grote, Otto  
Ingram, Russell  
Kennedy, James  
McCarthy, Linda  
Nord, Susi  
Quandt, Matthew  
Serlin, Christopher  
Welch, David

Bedrick, Jason  
Brown, C. Pennington  
Casey, Kimberley  
Dumaine, Dudley  
Garcia, Marilinda  
Guthrie, Joseph  
Johnson, Robert  
Kepner, Susan  
McKenna, Daniel  
Pearson, Mark  
Reagan, John  
Snow, Richard  
Wells, Roger

Belanger, Ronald  
Buxton, Donald  
Charron, Gene  
Elliott, Robert  
Gould, Kenneth  
Henson, John  
Kappler, Lawrence  
Lund, Howie  
McMahon, Charles  
Powers, James  
Robertson, Carl  
Splaine, James  
Wickson, Rick

Bettencourt, David  
Cali-Pitts, Jacqueline  
Day, Judith  
Emiro, Frank  
Griffin, Mary  
Howard, Doreen  
Kelley, Jane  
Marsh, Michael  
Moore, Bennett  
Priestley, Anne  
Russell, Trinkia  
Stiles, Nancy  
Winchell, George

**STRAFFORD**

Berube, Roger  
Brown, Julie  
Cyr, James  
Kaen, Naida  
Perry, Robert  
Warren, Nancy

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Knowles, William  
Schmidt, Peter  
Watson, Robert

Brown, George  
Browne, Brendon  
Fargo, Thomas  
Mickelson, Shawn  
Spang, Judith

Brown, Jennifer  
Burke, Rachel  
Hubbard, Pamela  
Miller, Joseph  
Sprague, Dale

**SULLIVAN**

Converse, Larry  
Jillette, Arthur Jr  
Skinder, Carla  
and the motion failed.

Donovan, Thomas  
Nielsen, Ellen

Gottling, Suzanne  
Phinizy, James

Houde, Matthew  
Rodeschin, Beverly

The question now being adoption of the majority committee report of Inexpedient to Legislate.  
Rep. Irwin spoke in favor and yielded to questions.

Reps. Schmidt, Wendelboe, Crane, Claudia Chase and Cali-Pitts spoke against.

Reps. Francis Sullivan, Stiles and Weyler spoke in favor.

Rep. Wendelboe requested a roll call; sufficiently seconded.

**YEAS 198 NAYS 138****YEAS 198****BELKNAP**

Allen, Janet  
Millham, Alida  
Thomas, John

Boyce, Laurie  
Nedeau, Stephen  
Tilton, Franklin

Clark, Charles  
Pilliod, James  
Whalley, Michael

Flanders, Donald  
Russell, David

**CARROLL**

Ahlgren, Christopher  
Chandler, Gene  
Patten, Betsey

Bridgham, Robert  
Cunningham, Howard  
Stevens, Stanley

Buco, Thomas  
Denley, William

Butler, Edward  
Morrow, Harry

**CHESHIRE**

Butterworth, Timothy  
Eaton, Daniel  
Lerandau, Alfred

Butynski, William  
Espieffs, Peter  
Roberts, Kris

Chase, William  
Hunt, John  
Sad, Tara

Dunn, J. Timothy  
Johnson, Jane  
Weber, Lucy

**COOS**

Hatch, William  
Remick, William

Ingersoll, Paul Sr  
Stohl, Eric

King, Frederick  
Theberge, Robert

Mears, Edgar  
Tholl, John Jr

**GRAFTON**

Benn, Bernard  
Friedrich, Carol  
McLeod, Martha

Bulis, Lyle  
Gionet, Edmond  
Nordgren, Sharon

Dingman, Vernon III  
Hammond, Lee  
Solomon, Peter

Estes, Carole  
Harding, A Laurie  
Sorg, Gregory

**HILLSBOROUGH**

Barry, Richard  
Bergin, Peter  
Clemons, Jane  
Essex, David  
Garrity, Patrick  
Haefner, Robert  
Holden, Randolph  
Jean, Claudette  
Long, Patrick  
O'Brien, Michael Sr  
Rosenwald, Cindy  
Sullivan, Daniel

Beaulieu, Jane  
Brunelle, Michael  
Cote, David  
Fletcher, Richard  
Goley, Jeffrey  
Hammond, Jill  
Hunter, Bruce  
Kopka, Angeline  
Manney, Pamela  
Peterson, Andy  
Simon, Anthony  
Sullivan, Francis

Beck, Catriona  
Campbell, David  
Day, Russell  
Forest, Armand  
Gorman, Mary  
Hawkins, Ken  
Irwin, Anne-Marie  
L'Heureux, Robert  
Martineau, Jesse  
Price, Pamela  
Smith, David  
Velez, Hector

Bergeron, Jean-Guy  
Christensen, Chris  
Emerton, Larry  
Francoeur, Bea  
Graham, John  
Hebert, Roger  
Jasper, Shawn  
Lasky, Bette  
Messier, Irene  
Reuschel, Michael  
Stepanek, Stephen  
Winters, Joel

**MERRIMACK**

Anderson, Eric  
DeJoie, John  
Humphries, Charlie

Bauchesne, Suzanne  
Foose, Robert  
Kidder, David

Bouchard, Candace  
Hager, Elizabeth  
Lockwood, Priscilla

Clarke, Claire  
Hamm, Christine  
MacKay, James

McMahon, Patricia  
Shurtleff, Stephen  
Webb, Leigh

Owen, Derek  
Tilton, Joy

Potter, Frances  
Tupper, Frank

Reardon, Tara  
Wallner, Mary

### ROCKINGHAM

Abbott, Dennis  
Camm, Kevin  
Dalrymple, David  
Flanders, John Sr  
Griffin, Mary  
Hutchinson, Karen  
Kappler, Lawrence  
Lister, Charlotte  
McKinney, Betsy  
Pantelakos, Laura  
Robertson, Carl  
Welch, David  
Winchell, George

Baldasaro, Alfred  
Case, Frank  
Devine, James  
Garcia, Marilinda  
Guthrie, Joseph  
Ingram, Russell  
Katsakiores, George  
Lund, Howie  
McMahon, Charles  
Pearson, Mark  
Sanders, Elisabeth  
Wells, Roger

Bedrick, Jason  
Casey, Kimberley  
Elliott, Robert  
Garrrity, James  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Moore, Bennett  
Priestley, Anne  
Stiles, Nancy  
Weyler, Kenneth

Belanger, Ronald  
Charron, Gene  
Fesh, Bob  
Gleason, John  
Hopfgarten, Paul  
Itse, Daniel  
Kennedy, James  
McEachern, Paul  
Nowe, Ronald  
Rausch, James  
Weare, Everett  
Wickson, Rick

### STRAFFORD

Berube, Roger  
Domingo, Baldwin  
Perry, Robert  
Smith, Marjorie

Brown, George  
Fargo, Thomas  
Rollo, Deanna  
Spang, Judith

Brown, Julie  
Hutz, Sarah  
Rollo, Michael  
Sprague, Dale

Cyr, James  
Kaen, Naida  
Rous, Emma  
Wall, Janet

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Phinizy, James

Converse, Larry  
Gottling, Suzanne  
Rodeschin, Beverly

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Ferland, Brenda  
Nielsen, Ellen

### NAYS 138

### BELKNAP

Arsenault, Beth  
Wood, Jane

Morrison, Gail

Reever, Judith

Wendelboe, Fran

### CARROLL

Brown, Carolyn

Heard, Virginia

Knox, J. David

Martin, James

### CHESHIRE

Burridge, Delmar  
Parkhurst, Henry

Butcher, Suzanne  
Pelkey, Stephen

Emerson, Susan  
Richardson, Barbara

Mitchell, Bonnie  
Robertson, Timothy

### COOS

Merrick, Evalyn

Merrick, Scott

Thomas, Yvonne

### GRAFTON

Almy, Susan  
Lovett, Sid

Andersen, Gene  
Matheson, Robert

Bleyler, Ruth  
Pierce, David

Cooney, Mary  
Preston, Philip

### HILLSBOROUGH

Batula, Peter  
Daler, Jennifer  
Edwards, Andrew  
Hackel, Paul  
Hinkle, Peyton  
Kelley, John  
Lawrence, James  
Mack, Ron  
Moran, Edward

Chase, Claudia  
Daniels, Gary  
Elliott, Nancy  
Hall, Betty  
Hogan, Edith  
Knowles, John  
Leishman, Peter  
Matarazzo, Anthony Sr  
Movsesian, Lori

Coughlin, Pamela  
Dokmo, Cynthia  
Fontas, Jeffrey  
Hansen, Ryan  
Infantine, William  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mesa, Lily  
Pilotte, Maurice

Crane, Elenore Casey  
Drisko, Richard  
Gargaszy, Carolyn  
Harvey, Suzanne  
Kaelin, Michael  
Kurk, Neal  
Levesque, Melanie  
Mooney, Maureen  
Reeves, Sandra

Renzullo, Andrew  
Shaw, Barbara  
Vaillancourt, Steve

Rowe, Robert  
Shaw, Kimberly  
Villeneuve, Maurice

Schulze, Joan  
Soucy, Connie

Shattuck, Gilman  
Spratt, Stephen

### MERRIMACK

Baxley, Maureen  
Davis, Frank  
Gile, Mary  
Osborne, Jessie  
Walz, Mary

Blanchard, Elizabeth  
DeStefano, Stephen  
Hess, David  
Porter, Margaret  
Wheeler, Deborah

Brown, Carole  
Ehlers, Eileen  
Kelly, Sally  
Richardson, Gary  
Yeaton, Charles

Brueggemann, Donald  
French, Barbara  
Kjellman, Eleanor Glynn  
Ryan, Jim

### ROCKINGHAM

Bettencourt, David  
Carson, Sharon  
Emiro, Frank  
Henson, John  
Kepner, Susan  
Moody, Marcia  
Quandt, Matthew  
Snow, Richard

Brown, C. Pennington  
Day, Judith  
Flockhart, Eileen  
Howard, Doreen  
Marsh, Michael  
Nord, Susi  
Reagan, John  
Splaine, James

Buxton, Donald  
DiFruscia, Anthony  
Gould, Kenneth  
Johnson, Robert  
McCarthy, Linda  
Packard, Sherman  
Russell, Trink

Cali-Pitts, Jacqueline  
Dumaine, Dudley  
Grote, Otto  
Kelley, Jane  
McKenna, Daniel  
Powers, James  
Serlin, Christopher

### STRAFFORD

Billian, Deborah  
Burke, Rachel  
Mickelson, Shawn  
Watson, Robert

Brown, Jennifer  
DeChane, Marlene  
Miller, Joseph

Brown, Larry  
Hubbard, Pamela  
Schmidt, Peter

Browne, Brendon  
Knowles, William  
Warren, Nancy

### SULLIVAN

Franklin, Peter  
Jillette, Arthur Jr  
and the majority committee report was adopted.

**HB 928**, relative to the Christa McAuliffe planetarium commission. **OUGHT TO PASS.**

Rep. Pamela V. Manney for Executive Departments and Administration: This bill would repeal the provision which administratively attaches the Christa McAuliffe Planetarium Commission to the department of regional community technical colleges. The administrative repeal is needed because the regional community technical colleges are proposing to separate from the state and therefore would no longer offer state services to the Christa McAuliffe Planetarium. If passed, oversight of the Christa McAuliffe Planetarium Commission would be that of the governor and council. Both the governor and the department of regional technical colleges support the repeal. This bill also makes technical corrections to RSA 12-L relative to the Christa McAuliffe Planetarium and Alan B. Shepard Discovery Center. Technical changes would include: adding an "aviation" and "earth" science component to the planetarium's mission; making education community members serving on the commission as coming from the private sector; change the word "shall" to "may" regarding receipt of payment of mileage for those serving on the commission and adding having the authority to accept "grants and donations" of money and property. Vote 11-4.  
Committee report adopted and ordered to third reading.

**HB 46-FN-A-L**, making an appropriation to support kindergarten programs in the towns of Merrimack, Hampstead, and Goffstown. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A. Foose for Finance: The state now takes three years to include students in its count for the purpose of state aid. The state agreed to fund \$1,200 per student during the three year period while waiting for the kindergarten students to be counted by the state. This agreement has been extended many times over the years. It is the belief of the committee that we should continue this policy to assist towns who commit to school kindergarten. Vote 24-0.

### Amendment (0965h)

Amend the title of the bill by replacing it with the following:

AN ACT making an appropriation to fund kindergarten programs in the towns of Merrimack, Hampstead, Goffstown, and Fremont, and in the Timberlane regional school district.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. There is hereby appropriated the sum of \$2,004,000, for the fiscal year ending June 30, 2007, from the education trust fund established in RSA 198:39 to the department of education, to provide \$1,200 per pupil grants for kindergarten programs in the towns of Merrimack, Hampstead, Goffstown, and Fremont, and in the Timberlane regional school district, which is comprised of the towns of Plaistow, Atkinson, Danville, and Sandown. Such funds shall lapse on June 30, 2009, and shall be distributed as follows:

- (a) Merrimack shall receive the sum of \$548,400.
- (b) Hampstead shall receive the sum of \$196,800.
- (c) Goffstown shall receive the sum of \$223,200.
- (d) Fremont shall receive the sum of \$192,000.
- (e) The Timberlane regional school district shall receive the sum of \$843,600.

2 School Money; Education Trust Fund. Amend the introductory paragraph in RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts and to approved charter schools pursuant to RSA 198:42, [and] to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61, *and to fund kindergarten programs as may be determined by the general court.* The state treasurer shall deposit into this fund immediately upon receipt:

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill makes an appropriation from the education trust fund to the department of education to fund \$1,200 per pupil grants for kindergarten programs in the towns of Merrimack, Hampstead, Goffstown, and Fremont, and in the Timberlane regional school district.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 553-FN-A**, requiring the state to pay legal fees for certain supreme court justices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frederick W. King for Finance: This bill requires the state, through the Department of Administrative Services, to pay the full and final legal fees incurred by certain Supreme Court justices as a result of claims they were subjected to, and prevailed as to, involved in impeachment proceedings initiated by the legislature. Vote 16-6.

#### Amendment (0740h)

Amend the title of the bill by replacing it with the following:

AN ACT requiring the state to pay legal fees for certain supreme court justices and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Payment of Legal Fees of Certain Supreme Court Justices.

I. The department of administrative services shall pay up to the following amounts to the following persons as full and final payment for legal fees incurred by such persons in the capacity as supreme court justices as a result of claims they were subjected to, and prevailed as to, involved in impeachment proceedings initiated by the legislature:

- (a) Retired Chief Justice David A. Brock \$474,000
- (b) Retired Associate Justice Sherman D. Horton, Jr. \$30,000
- (c) Chief Justice John T. Broderick, Jr. \$90,000

II. Prior to payment of the sums under paragraph I, retired justices Brock and Horton and chief justice Broderick shall submit to the department of administrative services copies of all invoices for legal fees charged for the impeachment proceedings along with signed release statements from themselves that the payments made under paragraph I are full and final payments for legal fees incurred for the impeachment proceedings.

2 Appropriation. The sum of up to \$594,000 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2007, for the purposes of section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill requires the state to pay legal fees for certain supreme court justices as a result of claims they were subjected to, and prevailed as to, involved in impeachment proceedings initiated by the legislature. The bill makes an appropriation for such payment.  
On a division vote, 198 members having voted in the affirmative and 96 in the negative, the committee amendment was adopted.

Rep. Sorg offered floor amendment (0989h).

**Floor Amendment (0989h)**

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting the payment or reimbursement by the state of legal fees to any justice impeached by the legislature.

Amend the bill by replacing all after the enacting clause with the following:

I New Subdivision; Payment or Reimbursement of Certain Legal Fees Prohibited. Amend RSA 490 by inserting after section 35 the following new subdivision:

Payment or Reimbursement of Certain Legal Fees Prohibited

490:36 Payment or Reimbursement of Certain Legal Fees Prohibited. The state shall not pay or reimburse any justice of any state court for legal fees incurred as a result of impeachment proceedings against such justice by the legislature,

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill prohibits payment or reimbursement by the state for legal fees incurred by justices during impeachment proceedings.

**(Speaker Norelli in the Chair)**

Rep. King spoke against.

Reps. Sorg and DiFruscia spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

**YEAS 150 NAYS 176****YEAS 150****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Nedean, Stephen	Russell, David	Thomas, John	Tilton, Franklin
Wendelboe, Fran	Whalley, Michael		

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Denley, William	Morrow, Harry	Patten, Betsey	Stevens, Stanley

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
Sad, Tara			

**COOS**

Ingersoll, Paul Sr	Merrick, Evalyn	Stohl, Eric	Tholl, John Jr
Thomas, Yvonne			

**GRAFTON**

Aguiar, James	Andersen, Gene	Bulis, Lyle	Dingman, Vernon III
Estes, Carole	Gionet, Edmond	Sorg, Gregory	

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Brunelle, Michael
Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary	Day, Russell
Drisko, Richard	Elliott, Nancy	Fletcher, Richard	Francoeur, Bea
Gorman, Mary	Graham, John	Haefner, Robert	Hansen, Ryan

Hawkins, Ken  
 Infantine, William  
 Lawrence, James  
 McRae, Karen  
 Price, Pamela  
 Shaw, Kimberly  
 Vaillancourt, Steve

Hinkle, Peyton  
 Kurk, Neal  
 Long, Patrick  
 Mooney, Maureen  
 Reeves, Sandra  
 Soucy, Connie  
 Villeneuve, Maurice

Hogan, Edith  
 L'Heureux, Robert  
 Manney, Pamela  
 Moran, Edward  
 Renzullo, Andrew  
 Stepanek, Stephen  
 Winters, Joel

Holden, Randolph  
 Lasky, Bette  
 Martineau, Jesse  
 Pilotte, Maurice  
 Shaw, Barbara  
 Ulery, Jordan

### MERRIMACK

Beauchesne, Suzanne  
 Walz, Mary

Humphries, Charlie  
 Webb, Leigh

Lockwood, Priscilla

MackKay, James

### ROCKINGHAM

Abbott, Dennis  
 Belanger, Ronald  
 Camm, Kevin  
 Dalrymple, David  
 Elliott, Robert  
 Garcia, Marilinda  
 Guthrie, Joseph  
 Introne, Robert  
 Katsakiores, Phyllis  
 Marsh, Michael  
 McMahon, Charles  
 Packard, Sherman  
 Rausch, James  
 Welch, David

Allen, Mary  
 Bettencourt, David  
 Carson, Sharon  
 Devine, James  
 Emiro, Frank  
 Garrity, James  
 Headd, James  
 Itse, Daniel  
 Kennedy, James  
 McCarthy, Linda  
 Moody, Marcia  
 Pearson, Mark  
 Reagan, John  
 Weyler, Kenneth

Baldasaro, Alfred  
 Brown, C. Pennington  
 Case, Frank  
 DiFruscia, Anthony  
 Fesh, Bob  
 Gleason, John  
 Henson, John  
 Kappler, Lawrence  
 Lund, Howie  
 McEachern, Paul  
 Moore, Bennett  
 Priestley, Anne  
 Stiles, Nancy  
 Wickson, Rick

Bedrick, Jason  
 Buxton, Donald  
 Charron, Gene  
 Dumaine, Dudley  
 Flanders, John Sr  
 Griffin, Mary  
 Hopfgarten, Paul  
 Katsakiores, George  
 Major, Norman  
 McKinney, Betsy  
 Nowe, Ronald  
 Quandt, Matthew  
 Weare, Everett  
 Winchell, George

### STRAFFORD

Brown, George  
 Rollo, Michael

DeChane, Marlene  
 Sprague, Dale

Domingo, Baldwin  
 Warren, Nancy

Hutz, Sarah  
 Watson, Robert

### SULLIVAN

Ferland, Brenda

Rodeschin, Beverly

### NAYS 176

### BELKNAP

Arsenault, Beth  
 Reeve, Judith

Millham, Alida  
 Wood, Jane

Morrison, Gail

Pilliod, James

### CARROLL

Bridgham, Robert  
 Knox, J. David

Butler, Edward  
 Martin, James

Cunningham, Howard

Heard, Virginia

### CHESHIRE

Burrige, Delmar  
 Chase, William  
 Lerandeau, Alfred  
 Roberts, Kris

Butcher, Suzanne  
 Dunn, J. Timothy  
 Mitchell, Bonnie  
 Robertson, Timothy

Butterworth, Timothy  
 Eaton, Daniel  
 Parkhurst, Henry  
 Weber, Lucy

Butynski, William  
 Espiefs, Peter  
 Richardson, Barbara

### COOS

Hatch, William  
 Remick, William

King, Frederick  
 Theberge, Robert

Mears, Edgar

Merrick, Scott

### GRAFTON

Almy, Susan  
 Friedrich, Carol  
 Matheson, Robert  
 Preston, Philip

Benn, Bernard  
 Hammond, Lee  
 McLeod, Martha  
 Solomon, Peter

Bleyler, Ruth  
 Harding, A Laurie  
 Nordgren, Sharon

Cooney, Mary  
 Lovett, Sid  
 Pierce, David



**HILLSBOROUGH**

Beaulieu, Jane	Beck, Catriona	Bergin, Peter	Campbell, David
Chase, Claudia	Daler, Jennifer	Dokmo, Cynthia	Edwards, Andrew
Emerton, Larry	Essex, David	Fontas, Jeffrey	Forest, Armand
Foster, Linda	Gargas, Carolyn	Garrity, Patrick	Hackel, Paul
Hall, Betty	Hammond, Jill	Harvey, Suzanne	Hebert, Roger
Irwin, Anne-Marie	Kaelin, Michael	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Leishman, Peter	Levasseur, Nickolas
Levesque, Melanie	Mack, Ron	Matarazzo, Anthony Sr	Mesa, Lily
Messier, Irene	Movsesian, Lori	O'Brien, Michael Sr	Peterson, Andy
Reuschel, Michael	Rosenwald, Cindy	Rowe, Robert	Schulze, Joan
Shattuck, Gilman	Simon, Anthony	Smith, David	Spratt, Stephen
Sullivan, Daniel	Sullivan, Francis	Velez, Hector	

**MERRIMACK**

Anderson, Eric	Baxley, Maureen	Blanchard, Elizabeth	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Davis, Frank	DeJoie, John
DeStefano, Stephen	Ehlers, Eileen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Kelly, Sally	Kidder, David
Kjellman, Eleanor Glynn	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Porter, Margaret	Potter, Frances	Reardon, Tara	Richardson, Gary
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary
Wheeler, Deborah	Yeaton, Charles		

**ROCKINGHAM**

Cali-Pitts, Jacqueline	Casey, Kimberly	Day, Judith	Flockhart, Eileen
Gould, Kenneth	Grote, Otto	Howard, Doreen	Ingram, Russell
Johnson, Robert	Kelley, Jane	Kepner, Susan	Lister, Charlotte
McKenna, Daniel	Nord, Susi	Pantelakos, Laura	Powers, James
Robertson, Carl	Russell, Trinka	Sanders, Elisabeth	Serlin, Christopher
Snow, Richard	Spaine, James		

**STRAFFORD**

Berube, Roger	Billian, Deborah	Brown, Jennifer	Brown, Julie
Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
Fargo, Thomas	Hubbard, Pamela	Kaen, Naida	Mickelonis, Shawn
Miller, Joseph	Perry, Robert	Rollo, Deanna	Rous, Emma
Schmidt, Peter	Spang, Judith	Wall, Janet	

**SULLIVAN**

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr
Nielsen, Ellen	Phinzy, James	Skinder, Carla	

and floor amendment (0989h) failed.  
Rep. Sorg offered floor amendment (0990h).

**Floor Amendment (0990h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** prohibiting payment or reimbursement by the state of certain legal fees to former supreme court chief justice David A. Brock.

Amend the bill by replacing all after the enacting clause with the following:

1 Payment or Reimbursement of Legal Fees Prohibited. The state shall not pay or reimburse legal fees incurred during impeachment proceedings to former supreme court chief justice David A. Brock, based upon a determination of the house of representatives, by a vote of 233 to 95, that by clear and convincing evidence justice Brock committed those violations and impeachable offenses set forth in articles I through IV of HR 51 adopted in the 2000 session of the house of representatives.

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill prohibits the state from paying or reimbursing legal fees incurred during impeachment proceedings by former supreme court chief justice David A. Brock.  
Rep. Sorg spoke in favor and yielded to questions.

**LAI D ON THE TABLE**

Rep. Campbell moved that floor amendment (0990h) be laid on the table.  
On a division vote, 171 members having voted in the affirmative and 155 in the negative, the motion was adopted.

**MOTION TO LAY ON THE TABLE**

Rep. Hopfgarten moved that **HB 553-FN-A**, requiring the state to pay legal fees for certain supreme court justices, be laid on the table.  
Rep. Hopfgarten requested a roll call; sufficiently seconded.

**YEAS 145 NAYS 182****YEAS 145****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tilton, Franklin	Wendelboe, Fran	Whalley, Michael

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Morrow, Harry	Patten, Betsey	Stevens, Stanley

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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**COOS**

Merrick, Evalyn	Stohl, Eric	Tholl, John Jr	Thomas, Yvonne
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**GRAFTON**

Andersen, Gene	Bulis, Lyle	Dingman, Vernon III	Estes, Carole
Gionet, Edmond	Solomon, Peter	Sorg, Gregory	

**HILLSBOROUGH**

Barry, Richard	Bergeron, Jean-Guy	Coughlin, Pamela	Crane, Elenore Casey
Daler, Jennifer	Daniels, Gary	Day, Russell	Drisko, Richard
Elliott, Nancy	Fletcher, Richard	Francoeur, Bea	Graham, John
Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton	Hogan, Edith
Holden, Randolph	Infantine, William	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	Martineau, Jesse	McRae, Karen
Mooney, Maureen	Moran, Edward	O'Brien, Michael Sr	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Simon, Anthony
Soucy, Connie	Stepanek, Stephen	Sullivan, Francis	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel	

**MERRIMACK**

Beauchesne, Suzanne	Blanchard, Elizabeth	Brown, Carole	Humphries, Charlie
Lockwood, Priscilla	MacKay, James	Ryan, Jim	Walz, Mary
Webb, Leigh			

**ROCKINGHAM**

Abbott, Dennis	Allen, Mary	Baldasaro, Alfred	Bedrick, Jason
Belanger, Ronald	Bettencourt, David	Brown, C. Pennington	Buxton, Donald
Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon	Case, Frank

Charron, Gene  
Dumaine, Dudley  
Garcia, Marilinda  
Guthrie, Joseph  
Introne, Robert  
Katsakiores, Phyllis  
Marsh, Michael  
Nowe, Ronald  
Quandt, Matthew  
Stiles, Nancy  
Wickson, Rick

Dalrymple, David  
Elliott, Robert  
Garrrity, James  
Headd, James  
Itse, Daniel  
Kelley, Jane  
McKinney, Betsy  
Packard, Sherman  
Rausch, James  
Weare, Everett  
Winchell, George

Devine, James  
Emiro, Frank  
Gleason, John  
Henson, John  
Kappler, Lawrence  
Lund, Howie  
Moody, Marcia  
Pearson, Mark  
Reagan, John  
Welch, David

DiFruscia, Anthony  
Fesh, Bob  
Griffin, Mary  
Hopfgarten, Paul  
Katsakiores, George  
Major, Norman  
Moore, Bennett  
Priestley, Anne  
Sanders, Elisabeth  
Weyler, Kenneth

### STRAFFORD

Brown, George  
Rollo, Michael

DeChane, Marlene  
Sprague, Dale

Domingo, Baldwin  
Watson, Robert

Hutz, Sarah

Rodeschin, Beverly

### SULLIVAN

### NAYS 182

### BELKNAP

Arsenault, Beth

Morrison, Gail

Reever, Judith

Wood, Jane

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Martin, James

Butler, Edward

Cunningham, Howard

### CHESHIRE

Burrige, Delmar  
Chase, William  
Lerandeau, Alfred  
Roberts, Kris

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Robertson, Timothy

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Sad, Tara

Butynski, William  
Espieffs, Peter  
Richardson, Barbara  
Weber, Lucy

### COOS

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Remick, William

King, Frederick  
Theberge, Robert

Mears, Edgar

### GRAFTON

Aguiar, James  
Cooney, Mary  
Lovett, Sid  
Pierce, David

Almy, Susan  
Friedrich, Carol  
Matheson, Robert  
Preston, Philip

Benn, Bernard  
Hammond, Lee  
McLeod, Martha

Bleyler, Ruth  
Harding, A Laurie  
Nordgren, Sharon

### HILLSBOROUGH

Batula, Peter  
Brunelle, Michael  
Edwards, Andrew  
Forest, Armand  
Gorman, Mary  
Hammond, Jill  
Kaelin, Michael  
Kopka, Angeline  
Levesque, Melanie  
Mesa, Lily  
Reuschel, Michael  
Shattuck, Gilman  
Spratt, Stephen

Beaulieu, Jane  
Campbell, David  
Emerton, Larry  
Foster, Linda  
Hackel, Paul  
Harvey, Suzanne  
Kelley, John  
Lasky, Bette  
Long, Patrick  
Messier, Irene  
Rosenwald, Cindy  
Shaw, Barbara  
Sullivan, Daniel

Beck, Catriona  
Chase, Claudia  
Essex, David  
Gargas, Carolyn  
Haefner, Robert  
Hebert, Roger  
Knowles, John  
Leishman, Peter  
Mack, Ron  
Movsesian, Lori  
Rowe, Robert  
Shaw, Kimberly  
Velez, Hector

Bergin, Peter  
Dokmo, Cynthia  
Fontas, Jeffrey  
Garrrity, Patrick  
Hall, Betty  
Irwin, Anne-Marie  
Knowles, Mary Ann  
Levasseur, Nickolas  
Matarazzo, Anthony Sr  
Peterson, Andy  
Schulze, Joan  
Smith, David

**MERRIMACK**

Anderson, Eric	Baxley, Maureen	Bouchard, Candace	Brueggemann, Donald
Davis, Frank	DeJoie, John	DeStefano, Stephen	Ehlers, Eileen
Foose, Robert	French, Barbara	Gile, Mary	Hager, Elizabeth
Kelly, Sally	Kidder, David	Kjellman, Eleanor Glynn	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Porter, Margaret	Potter, Frances
Reardon, Tara	Richardson, Gary	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary	Wheeler, Deborah	Yeaton, Charles

**ROCKINGHAM**

Casey, Kimberley	Day, Judith	Flanders, John Sr	Flockhart, Eileen
Gould, Kenneth	Grote, Otto	Howard, Doreen	Ingram, Russell
Johnson, Robert	Kennedy, James	Kepner, Susan	Lister, Charlotte
McCarthy, Linda	McEachern, Paul	McKenna, Daniel	McMahon, Charles
Nord, Susi	Pantelakos, Laura	Powers, James	Robertson, Carl
Russell, Trinka	Serlin, Christopher	Snow, Richard	Splaine, James

**STRAFFORD**

Berube, Roger	Billian, Deborah	Brown, Jennifer	Brown, Julie
Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
Fargo, Thomas	Hubbard, Pamela	Kaen, Naida	Mickelonis, Shawn
Miller, Joseph	Perry, Robert	Rollo, Deanna	Rous, Emma
Schmidt, Peter	Spang, Judith	Wall, Janet	Warren, Nancy

**SULLIVAN**

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew
Jillette, Arthur Jr	Nielsen, Ellen	Phinizy, James	Skinder, Carla

and the motion failed.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Renzullo requested a roll call; sufficiently seconded.

**YEAS 170 NAYS 157****YEAS 170****BELKNAP**

Arsenault, Beth	Morrison, Gail	Pilliod, James	Reever, Judith
Wood, Jane			

**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia	Knox, J. David	Martin, James	

**CHESHIRE**

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Chase, William	Eaton, Daniel	Espieffs, Peter	Lerandeau, Alfred
Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Weber, Lucy		

**COOS**

Hatch, William	Ingersoll, Paul Sr	King, Frederick	Mears, Edgar
Merrick, Scott	Remick, William		

**GRAFTON**

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Friedrich, Carol	Hammond, Lee	Harding, A Laurie
Lovett, Sid	Matheson, Robert	McLeod, Martha	Nordgren, Sharon
Pierce, David	Preston, Philip		

**HILLSBOROUGH**

Beaulieu, Jane  
Chase, Claudia  
Essex, David  
Gargas, Carolyn  
Hammond, Jill  
Kelley, John  
Leishman, Peter  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Rowe, Robert  
Smith, David

Beck, Catriona  
Dokmo, Cynthia  
Fontas, Jeffrey  
Garrity, Patrick  
Hebert, Roger  
Knowles, John  
Levasseur, Nickolas  
Mesa, Lily  
Peterson, Andy  
Schulze, Joan  
Spratt, Stephen

Bergin, Peter  
Edwards, Andrew  
Forest, Armand  
Hackel, Paul  
Irwin, Anne-Marie  
Knowles, Mary Ann  
Levesque, Melanie  
Messier, Irene  
Reuschel, Michael  
Shattuck, Gilman  
Sullivan, Daniel

Campbell, David  
Emerton, Larry  
Foster, Linda  
Hall, Betty  
Kaelin, Michael  
Kopka, Angeline  
Mack, Ron  
Movsesian, Lori  
Rosenwald, Cindy  
Simon, Anthony  
Velez, Hector

**MERRIMACK**

Anderson, Eric  
Brueggemann, Donald  
Ehlers, Eileen  
Hager, Elizabeth  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Yeaton, Charles

Baxley, Maureen  
Davis, Frank  
Foote, Robert  
Kelly, Sally  
Osborne, Jessica  
Reardon, Tara  
Tilton, Joy

Bouchard, Candace  
DeJoie, John  
French, Barbara  
Kidder, David  
Owen, Derek  
Richardson, Gary  
Wallner, Mary

Brown, Carole  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wheeler, Deborah

**ROCKINGHAM**

Casey, Kimberley  
Grote, Otto  
Kelley, Jane  
McEachern, Paul  
Pantelakos, Laura  
Snow, Richard

Day, Judith  
Howard, Doreen  
Kennedy, James  
McKenna, Daniel  
Powers, James  
Splaine, James

Flockhart, Eileen  
Ingram, Russell  
Kepner, Susan  
Moody, Marcia  
Robertson, Carl

Gould, Kenneth  
Johnson, Robert  
Lister, Charlotte  
Nord, Susi  
Serlin, Christopher

**STRAFFORD**

Berube, Roger  
Brown, Larry  
Fargo, Thomas  
Miller, Joseph  
Schmidt, Peter

Billian, Deborah  
Browne, Brendon  
Hubbard, Pamela  
Perry, Robert  
Spang, Judith

Brown, Jennifer  
Burke, Rachel  
Kaen, Naida  
Rollo, Deanna  
Wall, Janet

Brown, Julie  
Cyr, James  
Mickelonis, Shawn  
Rous, Emma

**SULLIVAN**

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

Gagnon, Raymond  
Nielsen, Ellen

**NAYS 157****BELKNAP**

Allen, Janet  
Millham, Alida  
Tilton, Franklin

Boyce, Laurie  
Nedeau, Stephen  
Wendelboe, Fran

Clark, Charles  
Russell, David  
Whalley, Michael

Flanders, Donald  
Thomas, John

**CARROLL**

Ahlgren, Christopher  
Merrow, Harry

Brown, Carolyn  
Patten, Betsey

Chandler, Gene  
Stevens, Stanley

Denley, William

**CHESHIRE**

Dunn, J. Timothy  
Pelkey, Stephen

Emerson, Susan  
Sad, Tara

Hunt, John

Johnson, Jane

**COOS**

Merrick, Evalyn  
Thomas, Yvonne

Stohl, Eric

Theberge, Robert

Tholl, John Jr

**GRAFTON**

Andersen, Gene  
Gionet, Edmond

Bulis, Lyle  
Solomon, Peter

Dingman, Vernon III  
Sorg, Gregory

Estes, Carole

**HILLSBOROUGH**

Barry, Richard  
Coughlin, Pamela  
Day, Russell  
Francoeur, Bea  
Hansen, Ryan  
Hogan, Edith  
L'Heureux, Robert  
Manney, Pamela  
Moran, Edward  
Renzullo, Andrew  
Stepanek, Stephen  
Villeneuve, Maurice

Batula, Peter  
Crane, Elenore Casey  
Drisko, Richard  
Gorman, Mary  
Harvey, Suzanne  
Holden, Randolph  
Lasky, Bette  
Martineau, Jesse  
Pilotte, Maurice  
Shaw, Barbara  
Sullivan, Francis  
Winters, Joel

Bergeron, Jean-Guy  
Daler, Jennifer  
Elliott, Nancy  
Graham, John  
Hawkins, Ken  
Infantine, William  
Lawrence, James  
McRae, Karen  
Price, Pamela  
Shaw, Kimberly  
Ulery, Jordan

Brunelle, Michael  
Daniels, Gary  
Fletcher, Richard  
Haefner, Robert  
Hinkle, Peyton  
Kurk, Neal  
Long, Patrick  
Mooney, Maureen  
Reeves, Sandra  
Soucy, Connie  
Vaillancourt, Steve

**MERRIMACK**

Beauchesne, Suzanne  
MacKay, James

Blanchard, Elizabeth  
Tupper, Frank

Humphries, Charlie  
Walz, Mary

Lockwood, Priscilla  
Webb, Leigh

**ROCKINGHAM**

Abbott, Dennis  
Belanger, Ronald  
Cali-Pitts, Jacqueline  
Charron, Gene  
Dumaine, Dudley  
Flanders, John Sr  
Griffin, Mary  
Hopfgarten, Paul  
Katsakiores, George  
Marsh, Michael  
Moore, Bennett  
Priestley, Anne  
Russell, Trinka  
Welch, David

Allen, Mary  
Bettencourt, David  
Camm, Kevin  
Dalrymple, David  
Elliott, Robert  
Garcia, Marilinda  
Guthrie, Joseph  
Introne, Robert  
Katsakiores, Phyllis  
McCarthy, Linda  
Nowe, Ronald  
Quandt, Matthew  
Sanders, Elisabeth  
Weyler, Kenneth

Baldasaro, Alfred  
Brown, C. Pennington  
Carson, Sharon  
Devine, James  
Emiro, Frank  
Garrity, James  
Headd, James  
Itse, Daniel  
Lund, Howie  
McKinney, Betsy  
Packard, Sherman  
Rausch, James  
Stiles, Nancy  
Wickson, Rick

Bedrick, Jason  
Buxton, Donald  
Case, Frank  
DiFruscia, Anthony  
Fesh, Bob  
Gleason, John  
Henson, John  
Kappler, Lawrence  
Major, Norman  
McMahon, Charles  
Pearson, Mark  
Reagan, John  
Weare, Everett  
Winchell, George

**STRAFFORD**

Brown, George  
Rollo, Michael

DeChane, Marlene  
Sprague, Dale

Domingo, Baldwin  
Warren, Nancy

Hutz, Sarah  
Watson, Robert

**SULLIVAN**

Cloutier, John  
and the committee report was adopted.  
Ordered to third reading.

Ferland, Brenda

Rodeschin, Beverly

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Hawkins moved that the House reconsider its action whereby it adopted the majority committee report of *Inexpedient to Legislate on HB 923*, prohibiting dog racing in New Hampshire and establishing a committee to make recommendations for mitigating the impacts of prohibiting dog racing.

Rep. Hawkins spoke against and requested a roll call; sufficiently seconded.

**YEAS 87 NAYS 242****YEAS 87  
BELKNAP**

Morrison, Gail                      Wendelboe, Fran

**CARROLL**

Brown, Carolyn                      Martin, James

**CHESHIRE**

Butcher, Suzanne                      Emerson, Susan                      Parkhurst, Henry                      Robertson, Timothy

**COOS**

Merrick, Evalyn                      Merrick, Scott

**GRAFTON**

Andersen, Gene                      Cooney, Mary                      Pierce, David

**HILLSBOROUGH**

Chase, Claudia	Coughlin, Pamela	Crane, Elenore Casey	Daler, Jennifer
Daniels, Gary	Day, Russell	Edwards, Andrew	Elliott, Nancy
Fontas, Jeffrey	Hebert, Roger	Hinkle, Peyton	Infantine, William
Kaelin, Michael	Knowles, John	Knowles, Mary Ann	Kurk, Neal
Lawrence, James	Levasseur, Nickolas	Levesque, Melanie	Mooney, Maureen
Moran, Edward	Pilotte, Maurice	Renzullo, Andrew	Rowe, Robert
Schulze, Joan	Shaw, Barbara	Shaw, Kimberly	Soucy, Connie
Vaillancourt, Steve	Villeneuve, Maurice		

**MERRIMACK**

Baxley, Maureen	Blanchard, Elizabeth	Brown, Carole	Davis, Frank
DeStefano, Stephen	Ehlers, Eileen	French, Barbara	Gile, Mary
Kelly, Sally	Kjellman, Eleanor Glynn	Osborne, Jessie	Owen, Derek
Porter, Margaret	Potter, Frances	Yeaton, Charles	

**ROCKINGHAM**

Bedrick, Jason	Bettencourt, David	Brown, C. Pennington	Cali-Pitts, Jacqueline
Carson, Sharon	Day, Judith	Emiro, Frank	Gould, Kenneth
Kepner, Susan	Marsh, Michael	McCarthy, Linda	McKenna, Daniel
Moody, Marcia	Packard, Sherman	Powers, James	Quandt, Matthew
Reagan, John	Spaine, James		

**STRAFFORD**

Billian, Deborah	Brown, Jennifer	Brown, Larry	Burke, Rachel
Domingo, Baldwin	Fargo, Thomas	Hubbard, Pamela	Miller, Joseph
Schmidt, Peter	Spang, Judith	Watson, Robert	

**SULLIVAN**

None

**NAYS 242****BELKNAP**

Allen, Janet	Arsenault, Beth	Boyce, Laurie	Clark, Charles
Flanders, Donald	Millham, Alida	Neddeau, Stephen	Pilliod, James
Reever, Judith	Russell, David	Thomas, John	Tilton, Franklin
Whalley, Michael	Wood, Jane		

**CARROLL**

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Chandler, Gene	Cunningham, Howard	Denley, William	Heard, Virginia
Knox, J. David	Morrow, Harry	Patten, Betsey	Stevens, Stanley

**CHESHIRE**

Burridge, Delmar  
Dunn, J. Timothy  
Johnson, Jane  
Richardson, Barbara

Butterworth, Timothy  
Eaton, Daniel  
Lerandean, Alfred  
Roberts, Kris

Butynski, William  
Espiefs, Peter  
Mitchell, Bonnie  
Sad, Tara

Chase, William  
Hunt, John  
Pelkey, Stephen  
Weber, Lucy

**COOS**

Hatch, William  
Remick, William  
Thomas, Yvonne

Ingersoll, Paul Sr  
Stohl, Eric

King, Frederick  
Theberge, Robert

Mears, Edgar  
Tholl, John Jr

**GRAFTON**

Aguiar, James  
Bulis, Lyle  
Gionet, Edmond  
Matheson, Robert  
Solomon, Peter

Almy, Susan  
Dingman, Vernon III  
Hammond, Lee  
McLeod, Martha  
Sorg, Gregory

Benn, Bernard  
Estes, Carole  
Harding, A Laurie  
Nordgren, Sharon

Bleyler, Ruth  
Friedrich, Carol  
Lovett, Sid  
Preston, Philip

**HILLSBOROUGH**

Barry, Richard  
Bergeron, Jean-Guy  
Cote, David  
Essex, David  
Francoeur, Bea  
Graham, John  
Hammond, Jill  
Hogan, Edith  
Kopka, Angeline  
Long, Patrick  
Matarazzo, Anthony Sr  
Movsesian, Lori  
Reeves, Sandra  
Simon, Anthony  
Sullivan, Daniel  
Winters, Joel

Batula, Peter  
Bergin, Peter  
Dokmo, Cynthia  
Fletcher, Richard  
Gargas, Carolyn  
Hackel, Paul  
Hansen, Ryan  
Holden, Randolph  
L'Heureux, Robert  
Mack, Ron  
McRae, Karen  
O'Brien, Michael Sr  
Reuschel, Michael  
Smith, David  
Sullivan, Francis

Beaulieu, Jane  
Brunelle, Michael  
Drisko, Richard  
Forest, Armand  
Garrity, Patrick  
Haefner, Robert  
Harvey, Suzanne  
Irwin, Anne-Marie  
Lasky, Bette  
Manney, Pamela  
Mesa, Lily  
Peterson, Andy  
Rosenwald, Cindy  
Spratt, Stephen  
Ulery, Jordan

Beck, Catriona  
Campbell, David  
Emerton, Larry  
Foster, Linda  
Gorman, Mary  
Hall, Betty  
Hawkins, Ken  
Kelley, John  
Leishman, Peter  
Martineau, Jesse  
Messier, Irene  
Price, Pamela  
Shattuck, Gilman  
Stepanek, Stephen  
Velez, Hector

**MERRIMACK**

Anderson, Eric  
DeJoie, John  
Kidder, David  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Beauchesne, Suzanne  
Foos, Robert  
Lockwood, Priscilla  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Bouchard, Candace  
Hager, Elizabeth  
MacKay, James  
Ryan, Jim  
Wallner, Mary

Brueggemann, Donald  
Humphries, Charlie  
McMahon, Patricia  
Shurtleff, Stephen  
Walz, Mary

**ROCKINGHAM**

Abbott, Dennis  
Buxton, Donald  
Charron, Gene  
Dumaine, Dudley  
Flockhart, Eileen  
Griffin, Mary  
Henson, John  
Introne, Robert  
Katsakiores, George  
Lister, Charlotte  
McKinney, Betsy  
Nowe, Ronald  
Rausch, James  
Serlin, Christopher  
Welch, David

Allen, Mary  
Camm, Kevin  
Dalrymple, David  
Elliott, Robert  
Garcia, Marilinda  
Grote, Otto  
Hopfgarten, Paul  
Itse, Daniel  
Katsakiores, Phyllis  
Lund, Howie  
McMahon, Charles  
Pantelakos, Laura  
Robertson, Carl  
Snow, Richard  
Weyler, Kenneth

Baldasaro, Alfred  
Case, Frank  
Devine, James  
Fesh, Bob  
Garrity, James  
Guthrie, Joseph  
Howard, Doreen  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
Moore, Bennett  
Pearson, Mark  
Russell, Trink  
Stiles, Nancy  
Wickson, Rick

Belanger, Ronald  
Casey, Kimberley  
DiFruscia, Anthony  
Flanders, John Sr  
Gleason, John  
Headd, James  
Ingram, Russell  
Kappler, Lawrence  
Kennedy, James  
McEachern, Paul  
Nord, Susi  
Priestley, Anne  
Sanders, Elisabeth  
Weare, Everett  
Winchell, George



**STRAFFORD**

Berube, Roger  
Cyr, James  
Mickelonis, Shawn  
Rous, Emma  
Warren, Nancy

Brown, George  
DeChane, Marlene  
Perry, Robert  
Smith, Marjorie

Brown, Julie  
Hutz, Sarah  
Rollo, Deanna  
Sprague, Dale

Browne, Brendon  
Kaen, Naida  
Rollo, Michael  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr  
Skinder, Carla

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Rodeschin, Beverly

and the motion failed.

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Bergin moved that the House reconsider its action whereby it adopted the committee report of Ought to Pass with Amendment on **HB 553-FN-A**, requiring the state to pay legal fees for certain supreme court justices.

Rep. Bergin spoke against.

On a division vote, 134 members having voted in the affirmative and 194 in the negative, the motion failed.

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Daniel Eaton moved that the House reconsider its action whereby it adopted the majority committee report of Ought to Pass with Amendment on **HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education.

Rep. Daniel Eaton spoke against.

On a division vote, 107 members having voted in the affirmative and 220 in the negative, the motion failed.

**RESOLUTION**

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today it be to meet Wednesday, March 28, 2007 at 10:00 a.m.

Adopted.

**LATE SESSION****UNANIMOUS CONSENT**

Rep. Wendelboe addressed the House.

**MOTION TO PRINT REMARKS**

Rep. Vaillancourt moved that the remarks made by Rep. Wendelboe be printed in the Permanent Journal.

On a division vote, 114 members having voted in the affirmative and 209 in the negative, the motion failed.

**RECESS MOTION**

Rep. Wallner moved that the House stand in recess for the purpose of introduction of bills and receiving Senate messages.

Adopted.

The House recessed at 7:15 p.m.

**RECESS****(Speaker Norelli in the Chair)**

Rep. Wallner moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 11

Wednesday, March 28, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

### The Psalm of Wednesday

O God, You who are the Alpha and the Omega, the Beginning and the End of all being, be also the Middle of our week and our lives. Poor Wednesday, sandwiched in this busy week, may we find within it countless divine visits. Holding hidden epiphanies, sudden insights, within its folds, may it be for us a Holy Wow Wednesday.

O God of Hide and Seek, who loves surprises, give us a peek at the new hidden inside the old. Since life is like a many-layered onion, may we peel back a new layer this day.

O God, Ever-Present Beginning and End, help us this day to let some things end and others begin, and to our delight may we discover a fresh face of You. Amen.

Rep. Susan Almy, member from Lebanon, led the Pledge of Allegiance.

The National Anthem was sung by Rep. James Garrity, the member from Atkinson.

### LEAVES OF ABSENCE

Reps. Brennan, Peter Cote, Stephanie Eaton, Heald, Jeudy, Stephen Johnson, Laliberte and Velez, the day, illness.

Reps. Mark Clark, Donald Flanders, Haley, Plifka, Rochette, Srnc, Stohl and Burton Williams, the day, important business.

Rep. Spaulding, the day, death in the family.

### INTRODUCTION OF GUESTS

Maureen von Rosenvinge, guest of Rep. Beck. Janet Bridgham, wife of Rep. Bridgham. Kristin Stewart and Jennifer Sullivan, guests of Rep. Ryan. Adam Patinkin, guest of Rep. Pierce.

### INTRODUCTION OF SPECIAL GUESTS

SSG Virginia Allatt, SSG Donald Frechette, SSG Daniel Bouvier, SGT Paulleroy Morisseau, SGT Franklin Walker and SGT Kevin Uitts, recently returned from serving in Iraq. Alpha Company, 368<sup>th</sup> Engineer Battalion and the Londonderry Armed Forces Reserve Center.

## HOUSE RESOLUTION NO. 11

### Memorializing State Representative James H. Oliver of Hooksett

WHEREAS, we have learned with great sorrow of the death of our friend and colleague James H. Oliver of Hooksett, who was in his third term as a member of the House of Representatives serving the citizens of Merrimack County District 9, the town of Hooksett; and,

WHEREAS, Jim Oliver served with diligence and distinction as a valued member of the Committee on Criminal Justice and Public Safety, earning the respect of his colleagues for his depth of knowledge and understanding in considering the many issues that were presented to the committee, knowledge and understanding gained during his long career in law enforcement; and

WHEREAS, Jim Oliver, following his service in the United States Army, served sixteen years in the Bureau of Special Services as a detective with the New York City Police Department, receiving the Department's Honor Legions Medal of Valor prior to his retirement as a homicide detective, and

WHEREAS, arriving in Hooksett to serve as the Chief of a small, part time police department, he oversaw its development into a full time, twenty-four person agency before his retirement, and WHEREAS, Jim Oliver helped found the Hooksett Emergency Relief Committee, which offers financial assistance to citizens who may not necessarily meet state welfare requirements, and in 2000 was named Hooksett's Citizen of the Year, now, therefore, be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that James H. Oliver be granted the highest praise and accolades for his dedicated service to his community and his state, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to them.

Offered by the House of Representatives.

Adopted.

### MOMENT OF SILENCE

A moment of silence was observed in memory and honor of New Hampshire State Representative James H. Oliver of Hooksett.

### SPECIAL ORDER BILLS

**HB 812**, relative to making permanent certain exceptions to limits on land application of septage and sludge. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H. Haefner for Environment and Agriculture: Nine farms along the NH riverways have been given an exception since 1998, allowing them to apply biosolids (sludge) to livestock feed crops within 75 feet if it is mixed in or 125 feet if top dressed (consistent with other state requirements) of waterway, drainage or wetlands. No degradation of water quality has been detected during testing in the last nine years. The bill makes the nine exceptions permanent, as long as farmers continue to comply with all requirements. Vote 10-4.

#### Amendment (0514h)

Amend RSA 483:8-b as inserted by section 1 of the bill by replacing it with the following:

483:8-b Land Application Restrictions; Exceptions. The septage and sludge land application restrictions contained in RSA 483:9, VI(c), RSA 483:9-a, VII(b), RSA 483:9-aa, VII(b), and RSA 483:9-b, VII(b) shall not apply to any currently-permitted land upon which septage or sludge has been spread in accordance with all applicable rules adopted by the federal Environmental Protection Agency and the New Hampshire department of environmental services, during any portion of the 3-year period prior to January 1, 1998. In addition, there shall be no termination of this restriction exemption for qualifying land that is used for scientific research on septage or sludge. Any continued application of septage and sludge pursuant to this section shall comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension. Failure to comply with the requirements of this section shall terminate the exception.

Rep. Beaulieu spoke against.

Rep. O'Connell spoke in favor.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 836**, prohibiting wastewater treatment plants from excluding towns for septage treatment and disposal services. **INEXPEDIENT TO LEGISLATE.**

Rep. Leigh A. Webb for Environment and Agriculture: Although well intentioned, the committee found several problems with this bill. The committee recognizes the right of municipalities to develop their own ordinances to regulate or ban the use of land application of biosolids, but also believes that those same municipalities should not be exempt from the economic impact of those decisions. Passage of this bill would have the unintentional consequence of limiting the authority of cities and towns with their own waste treatment facilities from promulgating their own rules and regulations regarding septic treatment and disposal services. Additionally, the Department of Environmental Services opposed passage of this bill for many of the reasons stated above plus the bill's attempt to change definitions already in common usage in federal and state statutes and rules. Vote 14-2.

Rep. Beaulieu spoke against and yielded to questions.

Rep. Powers spoke against.

Reps. Webb, Essex and Patten spoke in favor.

On a division vote, 295 members having voted in the affirmative and 55 in the negative, the committee report was adopted.

**(Rep. Foster in the Chair)****REGULAR CALENDAR (CONT'D from March 27, 2008)**

**HB 558**, requiring any education trust fund surplus to be transferred to the revenue stabilization reserve account. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth L. Weyler for Finance: The Education Trust Fund was created for the first Adequate Education Grants in 1999. It was to assure the donor towns, (who contributed about 4%) that all their funds would go to schools. It was the repository of several surtaxes and some one-time revenues to reassure the public that we were following the mandate. From its inception it was a problem for both revenue and budget calculations. The split between the base tax and the increase due to the surtax took lengthy discussions. Some errors were made in distributing money between the General Fund (GF) and the Education Trust Fund (ETF). The most recent example occurred last session when we believed that the revenue at the end of the biennium would yield a 40 million dollar surplus. Hours later, after allocating the surplus to programs, we were informed that it was really only 18 million. Twenty-two million had to stay in the ETF. In most budgets the ETF was short of funding the Adequacy Grants. An amount from the GF made up the difference. The Education Trust Fund was misnamed from the start. It never was a Trust Fund. The name was designed to give the public some confidence that the money that was raised was to meet the State's requirement to fund an adequate education. But it is the existence of the General Fund, not of the so-called Education Trust Fund that guarantees that the State fulfills this obligation. A final problem relates to our bond rating. The rating is based on the per cent of our unrestricted General Fund Revenue that is used for bonding. By isolating the hundreds of millions in the ETF, they can not be used in the calculation. If the ETF were eliminated, as the amendment does, then, even though all that money could still go to education, by passing it through the General Fund, some believe that our bond rating might benefit. Please support the unanimous vote of the Finance Committee; simplify our lives. Ten years of supporting school funding should be sufficient evidence that the General Court intends to honor our obligation to support education. Vote 23-0.

**Amendment (0853h)**

Amend the title of the bill by replacing it with the following:

AN ACT repealing the education trust fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Reports on Status of Monthly Tax Refunds. Amend the introductory paragraph in RSA 21-J:45, I to read as follows:

I. The commissioner of the department of revenue administration shall report to the fiscal committee of the general court within 10 days after the close of each month, the status of monthly refunds pending from the ~~[combined]~~ general fund ~~[and education trust fund]~~ for the following taxes:

2 Determination of Amounts Returnable. Amend RSA 31-A:4, I to read as follows:

I. Its 1978 distribution under RSA 31-A plus its share under the equalized formula of an annual increase of 5 percent in the previous year's aggregate distribution, through the year 1981, excluding revenue derived from RSA 77-A:20. ~~[The amount of money which is removed from the formula for deposit in the education trust fund shall not affect the remaining municipal revenue sharing distribution.]~~ The same amount distributed to each municipality in fiscal year 1998, excluding the amount apportioned to the school district in the 1998 property tax calculations, shall be distributed to each municipality in fiscal year 1999 and each year thereafter until the legislature revises the formula or provides additional appropriations that will affect the distribution amount.

3 Commissioner's Warrant. Amend RSA 76:8, III to read as follows:

III. Municipalities are authorized to assess local property taxes necessary to fund school district appropriations not funded by the statewide enhanced education tax, by distributions from the ~~[education trust]~~ **general** fund ~~[under RSA 198:39]~~, or by other revenue sources.

4 Tax on Meals and Rooms; Disposition of Revenue. Amend RSA 78-A:26, III to read as follows:

III. Beginning on July 1, 1999, and for each fiscal year thereafter, the department shall pay over all revenue collected pursuant to RSA 78-A:6, II-a to the state treasurer for deposit in the ~~[education trust fund established by RSA 198:39]~~ **general fund**.

5 Utility Property Tax; Administration. Amend RSA 83-F:7, I to read as follows:

I. The commissioner shall collect the taxes, interest, additions to tax and penalties imposed under this chapter and shall pay over to the state treasurer for deposit in the ~~[education trust fund established by RSA 198:39]~~ **general fund** the amount of the funds collected.

6 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, I(d) to read as follows:

(d) The source of funds for payments under this section shall be moneys from the ~~education trust fund established in RSA 198:39~~ **general fund**.

7 Appropriation for Unanticipated Funds. Amend RSA 198:20-b, II to read as follows:

II. Such money shall be used only for legal purposes for which a school district may appropriate money. No funds disbursed from the ~~education trust~~ **general fund** pursuant to RSA 198:42 shall, under any circumstances, emergency or otherwise, be deemed to be unanticipated money under the provisions of this section.

8 State Aid for Educational Equality; Education Trust Fund; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:38 to read as follows:

State Aid ~~[for Educational Equality; Education Trust Fund]~~ **to Education**

9 Distribution Schedule. Amend RSA 198:42 to read as follows:

198:42 Distribution Schedule of Equitable Education Grants; Appropriation.

I. The equitable education grant determined in RSA 198:41 shall be distributed to each municipality's school district or districts legally responsible for the education of the pupils who attend approved public schools within the district or in other districts or who attend approved programs for educationally disabled children, as the case may be, from the ~~education trust~~ **general fund** in 4 payments of 20 percent on September 1, 20 percent on November 1, 30 percent on January 1, and 30 percent on April 1 of each school year; provided that for a dependent school district, the grant determined in RSA 198:41 shall be distributed to the municipality, which shall appropriate and transfer the grant funds to its dependent school department.

II. For the fiscal year beginning July 1, 2005, and every fiscal year thereafter, the amount necessary to fund the grants under RSA 198:41 is hereby appropriated to the department from the ~~education trust fund created under RSA 198:39~~ **general fund**. The governor is authorized to draw a warrant from the ~~education trust~~ **general fund** to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the ~~education trust~~ **general fund**. If the balance in the ~~education trust~~ **general fund**, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of equitable education grants.

III. The department of education shall certify the amount of each grant to the state treasurer and direct the payment thereof to the school district. When a payment of a grant is made to a school district, the municipality on whose behalf the payment is made shall receive notification from the state treasurer of the amount of the payment made to its school district or districts.

IV. For the fiscal year beginning July 1, 2006, and every fiscal year thereafter, the amount necessary to fund charter school tuition payments under RSA 194-B:11, I is hereby appropriated to the department from the ~~education trust~~ **general fund** established under RSA 198:39. The ~~education trust~~ **general fund** shall be used to satisfy the state's obligation under this paragraph. The payment shall be issued regardless of the balance of funds available in the ~~education trust~~ **general fund**.

10 Duties of the Department of Education and the State Board of Education. Amend RSA 198:44 to read as follows:

198:44 Duties of the Department of Education and the Board of Education. The department of education shall submit a report by December 31 to the speaker of the house of representatives and the senate president to be used for purposes of determination by the legislature of the appropriation to the ~~education trust~~ **general fund**. A copy of such report shall, at the same time, be given to the department of revenue administration.

11 Excess Statewide Enhanced Education Tax Payment. Amend RSA 198:46, II to read as follows:

II. The commissioner of the department of revenue administration shall collect from the municipality the excess tax and pay the excess tax over to the state treasurer for deposit in the ~~education trust~~ **general fund** ~~[established by RSA 198:39]~~.

12 Alternative Kindergarten Programs. Amend RSA 198:48-a, VII(a) to read as follows:

VII.(a) Upon the effective date of this paragraph, and for each fiscal year through June 30, 2003, an equitable education grant of \$1,200 per pupil shall be distributed to school districts, from the ~~education trust fund created in RSA 198:39~~ **general fund**, for the education of its resident kindergarten pupils enrolled in an approved alternative kindergarten program established under this section.

13 Low and Moderate Income Homeowners Property Tax Relief. Amend RSA 198:61 to read as follows:

198:61 Refund of Tax Claims. The department of revenue administration shall review a claim for tax relief filed with it and, if such claim is determined to be valid, shall certify such amount to the state treasurer within 120 days who shall pay such claims from funds in the ~~[education trust]~~ **general** fund. Such sums are hereby appropriated and the governor is authorized to draw a warrant from the ~~[education trust]~~ **general** fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the ~~[education trust]~~ **general** fund. If the balance in the ~~[education trust]~~ **general** fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of revenue administration shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the payment of valid claims. The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department's receipt of the claim and all required documentation.

14 Lottery; Establishment. Amend RSA 284:21-j, I to read as follows:

I. The state treasurer shall credit all moneys received from the lottery commission and all moneys received from the pari-mutuel commission under RSA 287-D and RSA 287-E, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision and all administration and enforcement expenses of the pari-mutuel commission under RSA 287-D and RSA 287-E. Any balance left in such fund after such expenses are paid shall be deposited in the ~~[education trust fund established under RSA 198:39]~~ **general fund to be used exclusively for the purpose of state aid to education.**

15 Repeal. The following are repealed:

I. RSA 6:12, I(65), relative to funds deposited into the education trust fund.

II. RSA 198:39, establishing the education trust fund.

III. RSA 77-A:20-a, relative to the distribution of funds from the business profits tax to the education trust fund.

IV. RSA 77-E:14, relative to the distribution of funds from the business enterprise tax to the education trust fund.

V. RSA 78:32, relative to distribution the of funds from the tobacco tax to the education trust fund.

VI. RSA 78-B:13, relative to the distribution of funds from the tax on transfer of real property to the education trust fund.

16 Effective Date. This act shall take effect June 30, 2007.

### AMENDED ANALYSIS

This bill repeals the education trust fund and provides that all sources of revenue formerly dedicated to the education trust fund shall remain in the general fund, and all disbursements formerly made from the education trust fund shall be made from the general fund.

Amendment adopted.

Committee report adopted and ordered to third reading.

(Speaker Norelli in the Chair)

### REGULAR CALENDAR (CONT'D)

**HB 583-FN**, relative to funding for HIV/AIDS services. **OUGHT TO PASS WITH AMENDMENT.** Rep. John DeJoie for Finance: This waiver became necessary due to the loss of \$1,000,000 of federal funds, which have been replaced by state general funds in this year's budget. It is hoped that this waiver may permit additional federal dollars to be matched to the general fund dollars, to effectively expand provision of these services. This bill requires the Department of Health and Human Services to submit a waiver to the Centers for Medicare/Medicaid (CMS) regarding services for HIV/AIDS affected individuals. Amendments to the bill clarify that the department, in preparing its planned waiver, shall consider potential costs to develop the waiver and any costs for implementation of the proposed waiver. A copy of the proposed waiver will be reviewed by the Legislative Fiscal Committee, prior to being submitted to CMS. Vote 17-8.

### Amendment (0949h)

Amend the bill by replacing section 1 with the following:

1 New Section; HIV/AIDS Waiver. Amend RSA 126-A by inserting after section 4-b the following new section:

126-A:4-c HIV/AIDS Waiver. The department shall develop a Medicaid waiver to support the extension of Medicaid-allowable HIV/AIDS services. The department shall present the proposed waiver design, including proposed coverage groups, budget neutrality calculation, a cost estimate of the proposed waiver, and an explanation of the potential fiscal impact of seeking a state plan amendment, to the legislative fiscal committee prior to submission of a final concept paper to the Centers for Medicare and Medicaid Services (CMS) for federal approval. The department shall provide periodic reports to the legislative fiscal committee throughout the waiver development, approval, and implementation processes. The department shall seek input from health care providers and the public in the course of developing the waiver. The department shall ensure that budget neutrality is maintained or exceeded through the 5-year life of the waiver. A report shall be made to the legislative fiscal committee within 6 months of the end of the first full year of waiver implementation and subsequently on an annual basis.

Amendment adopted.

Committee report adopted and ordered to third reading.

### MOTION TO SPECIAL ORDER

Rep. Baldasaro moved that **HR 10**, opposing President George W. Bush's Iraq policy and urging the President and Congress to take actions relative to veterans' benefits and the war in Iraq, be made a Special Order as the next order of business.

Rep. Daniel Eaton spoke against.

Reps. Baldasaro and Whalley spoke in favor.

Rep. Hess requested a roll call; sufficiently seconded.

### YEAS 193 NAYS 151

#### YEAS 193

#### BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Millham, Alida
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael

#### CARROLL

Ahlgren, Christopher	Brown, Carolyn	Butler, Edward	Chandler, Gene
Denley, William	Knox, J. David	Martin, James	Morrow, Harry
Patten, Betsey	Stevens, Stanley		

#### CHESHIRE

Dunn, J. Timothy	Emerson, Susan	Hunt, John	Johnson, Jane
Parkhurst, Henry	Pelkey, Stephen	Roberts, Kris	Weed, Charles

#### COOS

King, Frederick	Merrick, Evalyn	Remick, William	Theberge, Robert
Tholl, John Jr			

#### GRAFTON

Bulis, Lyle	Dingman, Vernon III	Gionet, Edmond	Sorg, Gregory
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#### HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Brunelle, Michael	Christensen, Chris	Christiansen, Lars	Cote, David
Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary	Day, Russell
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Fletcher, Richard	Forest, Armand	Foster, Linda	Gargas, Carolyn
Ginsburg, Ruth	Graham, John	Haefner, Robert	Hammond, Jill
Harvey, Suzanne	Hawkins, Ken	Hinkle, Peyton	Hogan, Edith
Holden, Randolph	Jasper, Shawn	Jean, Claudette	Katsiantonis, George
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lawrence, James
Leishman, Peter	Lessard, Rudy	Mack, Ron	Manney, Pamela

Marshall, Seth  
Messier, Irene  
Ober, Lynne  
Reeves, Sandra  
Shaw, Kimberly  
Sysyn, Mary  
Winters, Joel

Martineau, Jesse  
Mooney, Maureen  
Ober, Russell III  
Renzullo, Andrew  
Smith, David  
Tahir, Saghir

Matarazzo, Anthony Sr  
O'Connell, Timothy  
Peterson, Andy  
Reuschel, Michael  
Soucy, Connie  
Ulery, Jordan

McRae, Karen  
O'Neil, James  
Price, Pamela  
Rowe, Robert  
Stepanek, Stephen  
Villeneuve, Maurice

### MERRIMACK

Anderson, Eric  
Greco, Vincent  
Lockwood, Priscilla  
Wheeler, Deborah

Clarke, Claire  
Hess, David  
MacKay, James  
Yeaton, Charles

Davis, Frank  
Humphries, Charlie  
Reardon, Tara

DeStefano, Stephen  
Kidder, David  
Reed, Dennis

### ROCKINGHAM

Abbott, Dennis  
Belanger, Ronald  
Camm, Kevin  
Dalrymple, David  
Elliott, Robert  
Flockhart, Eileen  
Gould, Kenneth  
Hopfgarten, Paul  
Kappler, Lawrence  
Lund, Howie  
McMahon, Charles  
Powers, James  
Rausch, James  
Waterhouse, Kevin  
Weyler, Kenneth

Allen, Mary  
Bettencourt, David  
Carson, Sharon  
Day, Judith  
Emiro, Frank  
Forsing, Robert  
Griffin, Mary  
Ingram, Russell  
Katsakiores, George  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Reagan, John  
Weare, Everett  
Wickson, Rick

Baldasaro, Alfred  
Bishop, Franklin  
Case, Frank  
Devine, James  
Fesh, Bob  
Garcia, Marilinda  
Guthrie, Joseph  
Introne, Robert  
Katsakiores, Phyllis  
McCarthy, Linda  
Packard, Sherman  
Quandt, Marshall  
Sanders, Elisabeth  
Welch, David  
Winchell, George

Bedrick, Jason  
Buxton, Donald  
Charron, Gene  
Dumaine, Dudley  
Flanders, John Sr  
Garrity, James  
Headd, James  
Itse, Daniel  
Kennedy, James  
McKinney, Betsy  
Pearson, Mark  
Quandt, Matthew  
Stiles, Nancy  
Wells, Roger

### STRAFFORD

Berube, Roger  
Burke, Rachel  
Miller, Joseph

Brown, George  
Goodwin, Earle  
Perry, Robert

Brown, Jennifer  
Hofemann, Roland  
Sprague, Dale

Brown, Julie  
Knowles, William  
Watson, Robert

### SULLIVAN

Ferland, Brenda

Nielsen, Ellen

Rodeschin, Beverly

Skinder, Carla

### NAYS 151

### BELKNAP

Arsenault, Beth

Morrison, Gail

Reever, Judith

### CARROLL

Bridgham, Robert

Buco, Thomas

Cunningham, Howard

Heard, Virginia

### CHESHIRE

Allen, Peter  
Chase, William  
Richardson, Barbara

Butcher, Suzanne  
Eaton, Daniel  
Robertson, Timothy

Butterworth, Timothy  
Espieffs, Peter  
Sad, Tara

Butynski, William  
Mitchell, Bonnie  
Weber, Lucy

### COOS

Hatch, William  
Thomas, Yvonne

Ingersoll, Paul Sr

Mears, Edgar

Merrick, Scott

### GRAFTON

Almy, Susan  
Cooney, Mary  
Lovett, Sid  
Preston, Philip

Andersen, Gene  
Estes, Carole  
Matheson, Robert  
Solomon, Peter

Benn, Bernard  
Friedrich, Carol  
Mulholland, Catherine

Bleyler, Ruth  
Hammond, Lee  
Pierce, David



**HILLSBOROUGH**

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Clemons, Jane
Daler, Jennifer	Edwards, Andrew	Essex, David	Fontas, Jeffrey
Garrity, Patrick	Goley, Jeffrey	Gorman, Mary	Hackel, Paul
Hall, Betty	Hebert, Roger	Kaelin, Michael	Kelley, John
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Levasseur, Nickolas
Levesque, Melanie	Lisle, Carolyn	Long, Patrick	Mesa, Lily
Movsesian, Lori	O'Brien, Michael Sr	Pilotte, Maurice	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Simon, Anthony
Smith, Sandra	Spratt, Stephen	Sullivan, Daniel	Sullivan, Francis
Vaillancourt, Steve			

**MERRIMACK**

Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace	Brown, Carole
Brueggemann, Donald	Ehlers, Eileen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Kelly, Sally	Kjellman, Eleanor Glynn
Osborne, Jessie	Owen, Derek	Porter, Margaret	Potter, Frances
Richardson, Gary	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary	Walz, Mary	Webb, Leigh
Williams, Robert			

**ROCKINGHAM**

Borden, David	Brown, C. Pennington	Casey, Kimberley	Grote, Otto
Henson, John	Howard, Doreen	Johnson, Robert	Kelley, Jane
Kepner, Susan	Lister, Charlotte	Marsh, Michael	McEachern, Paul
McGuirk, Thomas	McKenna, Daniel	Moody, Marcia	Moore, Benjamin
Moore, Bennett	Nord, Susi	O'Keefe, Peter	Pantelakos, Laura
Russell, Trinka	Serlin, Christopher	Snow, Richard	Splaine, James

**STRAFFORD**

Billian, Deborah	Brown, Larry	DeChane, Marlene	Domingo, Baldwin
Fargo, Thomas	Grassie, Anne	Hilliard, Dana	Hubbard, Pamela
Hutz, Sarah	Kaen, Naida	Mickelonis, Shawn	Rollo, Deanna
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Wall, Janet	Warren, Nancy	

**SULLIVAN**

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr

and the motion was adopted.

Rep. Solomon voted Nay and intended to vote Yea.

**SPECIAL ORDER**

**HR 10**, opposing President George W. Bush's Iraq policy and urging the President and Congress to take actions relative to veterans' benefits and the war in Iraq. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Pamela D. Coughlin for the Majority of State-Federal Relations and Veterans Affairs: This House Resolution continues to support the troops while asking the President and Congress to fully fund veterans' medical needs, as well as the need to pursue diplomatic avenues to end the present war in Iraq. The citizens of the State of New Hampshire strongly support the soldiers serving in the United States armed forces. The citizens of the State of New Hampshire recognize, support and appreciate the great sacrifices the soldiers and families protecting our freedoms for our state and country. The original House Resolution as written could have serious and detrimental effect on our soldiers deployed today and all of our current veterans. The committee felt that the original text of the Resolution needed to be amended to better reflect the oral and written testimony given by New Hampshire citizens. Vote 10-7.

Rep. Eleanor Glynn Kjellman for the Minority of State-Federal Relations and Veterans Affairs: The minority believes that the original intent of HR 10 was to express disapproval of the escalation of

the war in Iraq by the deployment of 20,000 plus troops, to fully fund all veterans benefits and appropriately care for veterans returning from war, to encourage the President and Congress to begin talks with countries in the Middle East and most importantly to begin the orderly withdrawal of American military forces from Iraq. The minority confirms that HR 10 as written does not require any timeline. Further, we noted that "orderly withdrawal" could be interpreted to mean that Americans could be taken off the front lines, that they would train and support Iraqis who would be the primary ones to defend their own country, patrol the streets, search neighborhoods and homes, and settle their own disputes. We believe that the amendment so changes the original Resolution as to completely reverse the intention. The amendment does not address the escalation in troop strength and its effect on our over-extended military. The amendment mimics the original resolution's phrase "begin the orderly withdrawal of American military forces from Iraq" but adds the qualifier "upon task completion." This completely reverses the intent of the original resolution. There is no definition of the "task" and no indication of how to measure completion and no indication of who is to say when the task is completed. As we enter the fifth year in the war in Iraq, a country that has been in conflict for centuries, the minority thinks the open-ended nature of "upon task completion" requires that the amendment fail, and that the HR 10 in its original form be passed by the House.

### **Majority Amendment (0850h)**

Amend the title of the bill by replacing it with the following:

A RESOLUTION           urging the President and Congress to take actions relative to veterans' benefits, fully funding and expediting improvements to veterans' facilities, and the war in Iraq.

Amend the bill by replacing all after the enacting clause with the following:

Whereas, in the history of military campaigns for over 2 centuries beginning with the Revolutionary War, the people of the United States of America have engaged in military and diplomatic initiatives to gain and preserve freedom for all people; and

Whereas, the citizens of the state of New Hampshire strongly support the men and women serving in the United States Armed Forces in Iraq, Afghanistan, and arenas known and not yet known; and

Whereas, over 3,000 American military personnel, including 18 from New Hampshire, have died since March of 2003 in the hostilities in Iraq, and tens of thousands have returned home with significant unmet physical and other health care needs; and

Whereas, the citizens of the state of New Hampshire recognize, appreciate, and are forever thankful for the sacrifices that all of our American and New Hampshire soldiers have made, especially those who have given their lives or been wounded in previous and current battles to protect our freedoms; and

Whereas, the New Hampshire house of representatives has an obligation to speak out on matters which affect the people of our state, and the ability of our government to protect us at home; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives and the American people will continue to support and protect the members of the United States Armed Forces and the New Hampshire national guard who are serving or who have served bravely and honorably in Iraq and elsewhere; and

That the New Hampshire house of representatives calls on the Bush Administration and Congress to fully fund and expedite all benefits for veterans and fully fund and expedite improvements to veterans' facilities, in order to appropriately care for our brave men and women when they return from this war and other combat; and

That the New Hampshire house of representatives urges the President and Congress to commence talks with the neighbors in the Middle East and begin the orderly withdrawal of American military forces from Iraq upon task completion; and

That the clerk of the New Hampshire house of representatives send copies of this resolution to governor John Lynch, the president and minority leader of the New Hampshire state senate, the President of the United States, the United States Secretary of Defense, the United States Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, and the New Hampshire congressional delegation.

### **AMENDED ANALYSIS**

This house resolution urges the President and Congress to take actions relative to veterans' benefits, fully funding and expediting improvements to veterans' facilities, and the war in Iraq.

Reps. Kjellman and Vaillancourt spoke against and yielded to questions.  
 Reps. McEachern, Perry, Burke, Splaine, Schmidt, Edwards and Fontas spoke against.  
 Rep. Baldasaro spoke in favor and yielded to questions.  
 Reps. Sorg, David Smith and Coughlin spoke in favor.  
 Rep. Kjellman requested a roll call; sufficiently seconded.

**YEAS 151 NAYS 212****YEAS 151****BELKNAP**

Allen, Janet  
 Nedeau, Stephen  
 Tilton, Franklin

Boyce, Laurie  
 Pilliod, James  
 Tobin, William

Clark, Charles  
 Russell, David  
 Wendelboe, Fran

Millham, Alida  
 Thomas, John  
 Whalley, Michael

**CARROLL**

Ahlgren, Christopher  
 Knox, J. David  
 Stevens, Stanley

Brown, Carolyn  
 Martin, James

Chandler, Gene  
 Merrow, Harry

Denley, William  
 Patten, Betsey

**CHESHIRE**

Dunn, J. Timothy  
 Pelkey, Stephen

Emerson, Susan  
 Roberts, Kris

Hunt, John

Johnson, Jane

**COOS**

King, Frederick

Remick, William

Theberge, Robert

Tholl, John Jr

**GRAFTON**

Bulis, Lyle  
 Sorg, Gregory

Dingman, Vernon III

Gionet, Edmond

Ingbretson, Paul

**HILLSBOROUGH**

Barry, Richard  
 Christensen, Chris  
 Daniels, Gary  
 Emerton, Larry  
 Hansen, Ryan  
 Holden, Randolph  
 Kurk, Neal  
 Manney, Pamela  
 O'Connell, Timothy  
 Price, Pamela  
 Shaw, Kimberly  
 Tahir, Saghir

Batula, Peter  
 Christiansen, Lars  
 Day, Russell  
 Fletcher, Richard  
 Hawkins, Ken  
 Hunter, Bruce  
 L'Heureux, Robert  
 McRae, Karen  
 Ober, Lynne  
 Reeves, Sandra  
 Smith, David  
 Ulery, Jordan

Bergeron, Jean-Guy  
 Coughlin, Pamela  
 Dokmo, Cynthia  
 Graham, John  
 Hinkle, Peyton  
 Infantine, William  
 Lawrence, James  
 Mooney, Maureen  
 Ober, Russell III  
 Renzullo, Andrew  
 Soucy, Connie  
 Villeneuve, Maurice

Bergin, Peter  
 Crane, Elenore Casey  
 Elliott, Nancy  
 Haefner, Robert  
 Hogan, Edith  
 Jasper, Shawn  
 Lessard, Rudy  
 Moran, Edward  
 Peterson, Andy  
 Rowe, Robert  
 Stepanek, Stephen

**MERRIMACK**

Anderson, Eric  
 Humphries, Charlie

DeJoie, John  
 Kidder, David

Hager, Elizabeth  
 MacKay, James

Hess, David  
 Reed, Dennis

**ROCKINGHAM**

Allen, Mary  
 Bettencourt, David  
 Carson, Sharon  
 Devine, James  
 Fesh, Bob  
 Gleason, John  
 Hopfgarten, Paul  
 Introne, Robert

Baldasaro, Alfred  
 Bishop, Franklin  
 Case, Frank  
 DiFruscia, Anthony  
 Flanders, John Sr  
 Griffin, Mary  
 Howard, Doreen  
 Itse, Daniel

Bedrick, Jason  
 Buxton, Donald  
 Charron, Gene  
 Dumaine, Dudley  
 Garcia, Marilinda  
 Guthrie, Joseph  
 Hutchinson, Karen  
 Kappler, Lawrence

Belanger, Ronald  
 Camm, Kevin  
 Dalrymple, David  
 Emiro, Frank  
 Garrity, James  
 Headd, James  
 Ingram, Russell  
 Katsakiores, George

Katsakiores, Phyllis  
McMahon, Charles  
Pearson, Mark  
Rausch, James  
Stiles, Nancy  
Wells, Roger

Lund, Howie  
Moore, Benjamin  
Priestley, Anne  
Reagan, John  
Waterhouse, Kevin  
Weyler, Kenneth

Major, Norman  
Nowe, Ronald  
Quandt, Marshall  
Robertson, Carl  
Weare, Everett  
Wickson, Rick

McKinney, Betsy  
Packard, Sherman  
Quandt, Matthew  
Sanders, Elisabeth  
Welch, David  
Winchell, George

### **STRAFFORD**

Berube, Roger

Brown, Julie

Rollo, Michael

### **SULLIVAN**

Rodeschin, Beverly

### **NAYS 212**

### **BELKNAP**

Arsenault, Beth

Morrison, Gail

Reever, Judith

### **CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

### **CHESHIRE**

Allen, Peter  
Chase, William  
Parkhurst, Henry  
Weber, Lucy

Butcher, Suzanne  
Eaton, Daniel  
Richardson, Barbara  
Weed, Charles

Butterworth, Timothy  
Espieles, Peter  
Robertson, Timothy

Butynski, William  
Mitchell, Bonnie  
Sad, Tara

### **COOS**

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Thomas, Yvonne

Mears, Edgar

Merrick, Evalyn

### **GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Andersen, Gene  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon

Benn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

### **HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Daler, Jennifer  
Fontas, Jeffrey  
Ginsburg, Ruth  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
Movsesian, Lori  
Reuschel, Michael  
Shaw, Barbara  
Sullivan, Daniel  
Winters, Joel

Beaulieu, Jane  
Chase, Claudia  
Drisko, Richard  
Forest, Armand  
Goley, Jeffrey  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Rosenwald, Cindy  
Simon, Anthony  
Sullivan, Francis

Beck, Catriona  
Clemons, Jane  
Edwards, Andrew  
Foster, Linda  
Gorman, Mary  
Harvey, Suzanne  
Kaelin, Michael  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily  
O'Neil, James  
Schulze, Joan  
Smith, Sandra  
Sysyn, Mary

Brunelle, Michael  
Cote, David  
Essex, David  
Garrity, Patrick  
Hackel, Paul  
Hebert, Roger  
Katsiantonis, George  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
Messier, Irene  
Pilotte, Maurice  
Shattuck, Gilman  
Spratt, Stephen  
Vaillancourt, Steve

### **MERRIMACK**

Baxley, Maureen  
Brown, Carole

Beauchesne, Suzanne  
Brueggemann, Donald

Blanchard, Elizabeth  
Clarke, Claire

Bouchard, Candace  
DeStefano, Stephen

Ehlers, Eileen  
Greco, Vincent  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Foose, Robert  
Hamm, Christine  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

French, Barbara  
Kelly, Sally  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Gile, Mary  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Casey, Kimberley  
Gould, Kenneth  
Kelley, Jane  
Marsh, Michael  
McKenna, Daniel  
O'Keefe, Peter  
Russell, Trinka

Borden, David  
Day, Judith  
Grote, Otto  
Kennedy, James  
McCarthy, Linda  
Moody, Marcia  
Pantelakos, Laura  
Serlin, Christopher

Brown, C. Pennington  
Elliott, Robert  
Henson, John  
Kepner, Susan  
McEachern, Paul  
Moore, Bennett  
Powers, James  
Snow, Richard

Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Johnson, Robert  
Lister, Charlotte  
McGuirk, Thomas  
Nord, Susi  
Preston, Mark  
Splaine, James

### STRAFFORD

Billian, Deborah  
Burke, Rachel  
Goodwin, Earle  
Hubbard, Pamela  
Mickelonis, Shawn  
Rous, Emma  
Sprague, Dale

Brown, George  
DeChane, Marlene  
Grassie, Anne  
Hutz, Sarah  
Miller, Joseph  
Schmidt, Peter  
Wall, Janet

Brown, Jennifer  
Domingo, Baldwin  
Hilliard, Dana  
Kaen, Naida  
Perry, Robert  
Smith, Marjorie  
Warren, Nancy

Brown, Larry  
Fargo, Thomas  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Spang, Judith  
Watson, Robert

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinzy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

and the majority committee amendment failed.

### MOTION TO LAY ON THE TABLE

Rep. Coughlin moved that **HR 10**, opposing President George W. Bush's Iraq policy and urging the President and Congress to take actions relative to veterans' benefits and the war in Iraq, be laid on the table.

Rep. Patten requested a roll call; sufficiently seconded.

**YEAS 152 NAYS 211**

### YEAS 152

#### BELKNAP

Allen, Janet  
Nedeau, Stephen  
Tobin, William

Boyce, Laurie  
Russell, David  
Wendelboe, Fran

Clark, Charles  
Thomas, John  
Whalley, Michael

Millham, Alida  
Tilton, Franklin

#### CARROLL

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Morrow, Harry

Denley, William  
Patten, Betsey

### CHESHIRE

Emerson, Susan  
Roberts, Kris

Hunt, John

Johnson, Jane

Pelkey, Stephen

### COOS

King, Frederick

Remick, William

Tholl, John Jr

**GRAFTON**

Bulis, Lyle  
Solomon, Peter

Dingman, Vernon III  
Sorg, Gregory

Gionet, Edmond

Ingbretson, Paul

**HILLSBOROUGH**

Barry, Richard  
Christensen, Chris  
Daniels, Gary  
Elliott, Nancy  
Haefner, Robert  
Hogan, Edith  
Jasper, Shawn  
Lessard, Rudy  
Messier, Irene  
Ober, Lynne  
Reeves, Sandra  
Shaw, Kimberly  
Tahir, Saghir

Batula, Peter  
Christiansen, Lars  
Day, Russell  
Emerton, Larry  
Hansen, Ryan  
Holden, Randolph  
Kurk, Neal  
Manney, Pamela  
Mooney, Maureen  
Ober, Russell III  
Renzullo, Andrew  
Smith, David  
Ulery, Jordan

Bergeron, Jean-Guy  
Coughlin, Pamela  
Dokmo, Cynthia  
Fletcher, Richard  
Hawkins, Ken  
Hunter, Bruce  
L'Heureux, Robert  
Martineau, Jesse  
Moran, Edward  
Peterson, Andy  
Rosenwald, Cindy  
Soucy, Connie  
Villeneuve, Maurice

Bergin, Peter  
Crane, Elenore Casey  
Drisko, Richard  
Graham, John  
Hinkle, Peyton  
Infantine, William  
Lawrence, James  
McRae, Karen  
O'Connell, Timothy  
Price, Pamela  
Rowe, Robert  
Stepanek, Stephen

**MERRIMACK**

Anderson, Eric  
Humphries, Charlie

Hager, Elizabeth  
Kidder, David

Hamm, Christine  
MacKay, James

Hess, David  
Reed, Dennis

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Carson, Sharon  
DiFruscia, Anthony  
Flanders, John Sr  
Griffin, Mary  
Howard, Doreen  
Itse, Daniel  
Lund, Howie  
Moore, Benjamin  
Priestley, Anne  
Reagan, John  
Weare, Everett  
Wickson, Rick

Baldasaro, Alfred  
Bishop, Franklin  
Case, Frank  
Dumaine, Dudley  
Garcia, Marilinda  
Guthrie, Joseph  
Hutchinson, Karen  
Kappler, Lawrence  
Major, Norman  
Nowe, Ronald  
Quandt, Marshall  
Sanders, Elisabeth  
Welch, David  
Winchell, George

Bedrick, Jason  
Buxton, Donald  
Charron, Gene  
Emiro, Frank  
Garrity, James  
Headd, James  
Ingram, Russell  
Katsakiores, George  
McKinney, Betsy  
Packard, Sherman  
Quandt, Matthew  
Stiles, Nancy  
Wells, Roger

Belanger, Ronald  
Camm, Kevin  
Dalrymple, David  
Fesh, Bob  
Gleason, John  
Hopfgarten, Paul  
Introne, Robert  
Katsakiores, Phyllis  
McMahon, Charles  
Pearson, Mark  
Rausch, James  
Waterhouse, Kevin  
Weyler, Kenneth

**STRAFFORD**

Berube, Roger

Brown, Julie

Rollo, Deanna

Rollo, Michael

**SULLIVAN**

Rodeschin, Beverly

**NAYS 211****BELKNAP**

Arsenault, Beth

Morrison, Gail

Pilliod, James

Reever, Judith

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Chase, William  
Mitchell, Bonnie  
Sad, Tara

Butcher, Suzanne  
Dunn, J. Timothy  
Parkhurst, Henry  
Weber, Lucy

Butterworth, Timothy  
Eaton, Daniel  
Richardson, Barbara  
Weed, Charles

Butynski, William  
Espiefs, Peter  
Robertson, Timothy

**COOS**

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

**GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine

Andersen, Gene  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon

Benn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Daler, Jennifer  
Forest, Armand  
Goley, Jeffrey  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Mesa, Lily  
Pilotte, Maurice  
Shaw, Barbara  
Sullivan, Daniel  
Winters, Joel

Beaulieu, Jane  
Chase, Claudia  
Edwards, Andrew  
Foster, Linda  
Gorman, Mary  
Harvey, Suzanne  
Kaelin, Michael  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Movsesian, Lori  
Reuschel, Michael  
Simon, Anthony  
Sullivan, Francis

Beck, Catriona  
Clemons, Jane  
Essex, David  
Garrity, Patrick  
Hackel, Paul  
Hebert, Roger  
Katsiantonis, George  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
O'Brien, Michael Sr  
Schulze, Joan  
Smith, Sandra  
Sysyn, Mary

Brunelle, Michael  
Cote, David  
Fontas, Jeffrey  
Ginsburg, Ruth  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
O'Neil, James  
Shattuck, Gilman  
Spratt, Stephen  
Vaillancourt, Steve

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
DeStefano, Stephen  
Gile, Mary  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Beauchesne, Suzanne  
Brueggemann, Donald  
Ehlers, Eileen  
Greco, Vincent  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Blanchard, Elizabeth  
Clarke, Claire  
Foose, Robert  
Kelly, Sally  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Bouchard, Candace  
DeJoie, John  
French, Barbara  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

**ROCKINGHAM**

Abbott, Dennis  
Casey, Kimberley  
Flockhart, Eileen  
Johnson, Robert  
Lister, Charlotte  
McGuirk, Thomas  
Nord, Susi  
Preston, Mark  
Snow, Richard

Borden, David  
Day, Judith  
Gould, Kenneth  
Kelley, Jane  
Marsh, Michael  
McKenna, Daniel  
O'Keefe, Peter  
Robertson, Carl  
Splaine, James

Brown, C. Pennington  
Devine, James  
Grote, Otto  
Kennedy, James  
McCarthy, Linda  
Moody, Marcia  
Pantelakos, Laura  
Russell, Trink

Cali-Pitts, Jacqueline  
Elliott, Robert  
Henson, John  
Kepner, Susan  
McEachern, Paul  
Moore, Bennett  
Powers, James  
Serlin, Christopher

**STRAFFORD**

Billian, Deborah  
Burke, Rachel  
Goodwin, Earle  
Hubbard, Pamela  
Mickelonis, Shawn  
Schmidt, Peter  
Wall, Janet

Brown, George  
DeChane, Marlene  
Grassie, Anne  
Hutz, Sarah  
Miller, Joseph  
Smith, Marjorie  
Warren, Nancy

Brown, Jennifer  
Domingo, Baldwin  
Hilliard, Dana  
Kaen, Naida  
Perry, Robert  
Spang, Judith  
Watson, Robert

Brown, Larry  
Fargo, Thomas  
Hofemann, Roland  
Knowles, William  
Rous, Emma  
Sprague, Dale

**SULLIVAN**

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr  
and the motion failed.

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

The question now being adoption of the minority committee report of Ought to Pass.  
Reps. Coughlin, Butterworth, Tobin and Whalley spoke against.  
Rep. Larry Brown spoke in favor.  
Rep. Kjellman requested a roll call; sufficiently seconded.

**YEAS 214 NAYS 151****YEAS 214****BELKNAP**

Arsenault, Beth

Morrison, Gail

Pilliod, James

Reever, Judith

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Chase, William  
Lerandeau, Alfred  
Robertson, Timothy

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Sad, Tara

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Weber, Lucy

Butynski, William  
Espieffs, Peter  
Richardson, Barbara  
Weed, Charles

**COOS**

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

**GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine

Andersen, Gene  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon

Benn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Daler, Jennifer  
Forest, Armand  
Goley, Jeffrey  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Levasseur, Nickolas  
Mack, Ron  
Messier, Irene  
Pilotte, Maurice  
Shattuck, Gilman  
Spratt, Stephen  
Winters, Joel

Beaulieu, Jane  
Chase, Claudia  
Edwards, Andrew  
Foster, Linda  
Gorman, Mary  
Harvey, Suzanne  
Kaelin, Michael  
Knowles, Mary Ann  
Levesque, Melanie  
Marshall, Seth  
Movsesian, Lori  
Reuschel, Michael  
Shaw, Barbara  
Sullivan, Francis

Beck, Catriona  
Clemons, Jane  
Essex, David  
Garrity, Patrick  
Hackel, Paul  
Hebert, Roger  
Katsiantonis, George  
Kopka, Angeline  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Rosenwald, Cindy  
Simon, Anthony  
Sysyn, Mary

Brunelle, Michael  
Cote, David  
Fontas, Jeffrey  
Ginsburg, Ruth  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Long, Patrick  
Mesa, Lily  
O'Neil, James  
Schulze, Joan  
Smith, Sandra  
Vaillancourt, Steve

**MERRIMACK**

Baxley, Maureen  
Brown, Carole

Beauchesne, Suzanne  
Brueggemann, Donald

Blanchard, Elizabeth  
Clarke, Claire

Bouchard, Candace  
DeJoie, John



DeStefano, Stephen  
 Gile, Mary  
 Kjellman, Eleanor Glynn  
 Porter, Margaret  
 Ryan, Jim  
 Wallner, Mary  
 Williams, Robert

Ehlers, Eileen  
 Greco, Vincent  
 McMahon, Patricia  
 Potter, Frances  
 Shurtleff, Stephen  
 Walz, Mary  
 Yeaton, Charles

Foose, Robert  
 Hamm, Christine  
 Osborne, Jessie  
 Reardon, Tara  
 Tilton, Joy  
 Webb, Leigh

French, Barbara  
 Kelly, Sally  
 Owen, Derek  
 Richardson, Gary  
 Tupper, Frank  
 Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
 Casey, Kimberley  
 Flockhart, Eileen  
 Johnson, Robert  
 Lister, Charlotte  
 McGuirk, Thomas  
 Nord, Susi  
 Preston, Mark  
 Splaine, James

Borden, David  
 Day, Judith  
 Gould, Kenneth  
 Kelley, Jane  
 Marsh, Michael  
 McKenna, Daniel  
 O'Keefe, Peter  
 Russell, Trinka  
 Brown, C. Pennington  
 DiFruscia, Anthony  
 Grote, Otto  
 Kennedy, James  
 McCarthy, Linda  
 Moody, Marcia  
 Pantelakos, Laura  
 Serlin, Christopher

Cali-Pitts, Jacqueline  
 Elliott, Robert  
 Henson, John  
 Kepner, Susan  
 McEachern, Paul  
 Moore, Bennett  
 Powers, James  
 Snow, Richard

### STRAFFORD

Billian, Deborah  
 Browne, Brendon  
 Fargo, Thomas  
 Hofemann, Roland  
 Knowles, William  
 Rollo, Deanna  
 Spang, Judith  
 Watson, Robert

Brown, George  
 Burke, Rachel  
 Goodwin, Earle  
 Hubbard, Pamela  
 Mickelonis, Shawn  
 Rous, Emma  
 Sprague, Dale

Brown, Jennifer  
 DeChane, Marlene  
 Grassie, Anne  
 Hutz, Sarah  
 Miller, Joseph  
 Schmidt, Peter  
 Wall, Janet

Brown, Larry  
 Domingo, Baldwin  
 Hilliard, Dana  
 Kaen, Naida  
 Perry, Robert  
 Smith, Marjorie  
 Warren, Nancy

### SULLIVAN

Cloutier, John  
 Franklin, Peter  
 Jillette, Arthur Jr

Converse, Larry  
 Gagnon, Raymond  
 Nielsen, Ellen

Donovan, Thomas  
 Gottling, Suzanne  
 Phinizy, James

Ferland, Brenda  
 Houde, Matthew  
 Skinder, Carla

### NAYS 151

### BELKNAP

Allen, Janet  
 Nedeau, Stephen  
 Tobin, William

Boyce, Laurie  
 Russell, David  
 Wendelboe, Fran

Clark, Charles  
 Thomas, John  
 Whalley, Michael

Millham, Alida  
 Tilton, Franklin

### CARROLL

Ahlgren, Christopher  
 Knox, J. David  
 Stevens, Stanley

Brown, Carolyn  
 Martin, James

Chandler, Gene  
 Merrow, Harry

Denley, William  
 Patten, Betsey

### CHESHIRE

Emerson, Susan  
 Roberts, Kris

Hunt, John

Johnson, Jane

Pelkey, Stephen

### COOS

Remick, William

Tholl, John Jr

### GRAFTON

Bulis, Lyle  
 Solomon, Peter

Dingman, Vernon III  
 Sorg, Gregory

Gionet, Edmond

Ingbretson, Paul

### HILLSBOROUGH

Barry, Richard  
 Christensen, Chris

Batula, Peter  
 Christiansen, Lars

Bergeron, Jean-Guy  
 Coughlin, Pamela

Bergin, Peter  
 Crane, Elenore Casey

Daniels, Gary	Day, Russell	Dokmo, Cynthia	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Fletcher, Richard	Graham, John
Haefner, Robert	Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton
Hogan, Edith	Holden, Randolph	Hunter, Bruce	Infantine, William
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Leishman, Peter	Lessard, Rudy	Manney, Pamela	Martineau, Jesse
McRae, Karen	Mooney, Maureen	Moran, Edward	O'Connell, Timothy
Ober, Lynne	Ober, Russell III	Peterson, Andy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Shaw, Kimberly
Smith, David	Soucy, Connie	Stepanek, Stephen	Sullivan, Daniel
Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice	

**MERRIMACK**

Anderson, Eric	Hager, Elizabeth	Hess, David	Humphries, Charlie
Kidder, David	MacKay, James	Reed, Dennis	

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Buxton, Donald	Camm, Kevin
Carson, Sharon	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	Dumaine, Dudley	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Garcia, Marilinda	Garrity, James
Gleason, John	Griffin, Mary	Guthrie, Joseph	Headd, James
Hopfgarten, Paul	Howard, Doreen	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	Major, Norman	McKinney, Betsy
McMahon, Charles	Moore, Benjamin	Nowe, Ronald	Packard, Sherman
Pearson, Mark	Priestley, Anne	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reagan, John	Robertson, Carl	Sanders, Elisabeth
Stiles, Nancy	Waterhouse, Kevin	Weare, Everett	Welch, David
Wells, Roger	Weyler, Kenneth	Wickson, Rick	Winchell, George

**STRAFFORD**

Berube, Roger	Brown, Julie	Rollo, Michael
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**SULLIVAN**

Rodeschin, Beverly  
and the minority committee report was adopted.  
Ordered to third reading.  
Rep. Pilliod voted Yea and intended to vote Nay.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, the following protest was presented to be entered in the Permanent Journal.

Madam Speaker:

Whereas, HR 10 as passed by this House, clearly undermines the United States armed forces mission in Iraq, and,

Whereas, the decision to surge troop levels in Iraq is an integral part of success for the mission, and,  
Whereas, a sensible amendment having been rejected in favor of a final bill that promotes withdrawal before the mission in Iraq is completed, and,

Whereas precipitous withdrawal in Iraq would be disrespectful to the sacrifice of our brave men and women who have sacrificed their lives thus far for the mission, and,

Whereas, I fully support our men and women in the armed forces and also support their mission in Iraq and the Commander in Chief, and,

Whereas, HR 10 regrettably uses support for the United States armed forces as a political tool, and,

Whereas HR 10 gives aid and comfort to the enemy, and,

Whereas HR 10 deteriorates the morale of our brave troops,

Therefore because of this, I am compelled to respectfully protest this action of this august House under Part II, Article 24 of the New Hampshire Constitution and request the entry of my protest concerning the New Hampshire Representatives' action today on HR 10 in the Permanent Journal of the House provided therein. Respectfully,

Reps. Baldasaro, Charles McMahon, Mary Allen, Waterhouse, Franklin Tilton, Camm, Rodeschin, Major, Lars Christiansen, Garcia, Charron, Hunter, Renzullo, Stepanek, Ingbretson, Hopfgarten, Charles Clark, David Smith, Dingman, Bulis, Gionet, Villeneuve, Itse, Introne, Phyllis Katsakiores, Chandler, Eric Anderson, Mooney, Hawkins, Lynne Ober, Russell Ober, Bergeron, Hogan, Reed, Humphries, Hutchinson, Merrow, Russell Day, Sorg, Haefner, Sanders, Bishop, Barry, Guthrie, James Garrity, Devine, Ingram, Griffin, Manney, Kappler, Remick, Lawrence, Reagan, Ulery, Ahlgren, Marshall Quandt, Matthew Quandt, Pelkey, Daniels, Berube, Kimberly Shaw, Wickson, Priestley, Tahir, Reeves, Tobin, Emerton, Bedrick, Pearson, Hansen, Dalrymple, Graham, Batula, Winchell, Rausch, McRae, Lessard, Carson, Soucy, L'Heureux, Fesh, Emerson, Nancy Elliott, Forsing, Jasper, Packard, Carolyn Brown, Weyler, Belanger, Weare, Stevens, Dumaine, Martin, Crane, Tholl, Coughlin, Patten, Buxton, Wendelboe, David Russell, Infantine, Boyce, Bettencourt, Whalley, Hess, John Thomas, John Flanders, Nedeau, Rowe, Welch, Lund, Emiro, Price, Janet Allen, Chris Christensen, Headd, Denley and Nowe.

### UNANIMOUS CONSENT

Rep. Carl Robertson addressed the House.

### MOTION TO PRINT REMARKS

Rep. John Thomas moved that the remarks made by Rep. Carl Robertson be printed in the Permanent Journal.

Without objection, the Speaker so ordered.

### REMARKS

**Rep. Carl Robertson:** Thank you, Madam Speaker. Honorable members of the House, I rise today for a very sad occasion. When I first ran for the House of Representatives, I was encouraged to do so by a gentleman who sat here in this body and sat next door in the Senate for awhile. He told me "You need to do this. You need to serve there. You need to find out what these people do and what goes on up there." And I have to admit, I'm in awe. I look out, no matter what the issue is, no matter what side you're on. The passion, the soul searching, the energy, the effort, the time that you put in will never, ever be recognized by the people you represent. "But you'd do such a great job of it." He told me that. I said, "Yeah, yeah. They are just people." He was right. Even though I may disagree with you sometimes, and I may not agree with a lot of things, I really respect what you bring here and what you do for the people of New Hampshire. Anyway, this gentleman lived in my town of Exeter and yesterday, long time Exeter resident, the Honorable J. Arthur Tufts died at the age of 85. He was a member of this House from 1961 to 1964 and again from 1979 to 2003 – quite a commitment. He also served as a member of the Senate from 1965 to 1971 serving as its President from 1969 to 1970. Arthur Tufts was the kind of person who spent a lot of time volunteering and doing things to help people. He served as Rockingham County Commissioner in 1970. He served on the UNH board of trustees. He served as a volunteer for Easter Seals and one of his favorite things was to work in the New Hampshire Special Olympics where he could be seen doing everything from coaching to officiating to just cheering the kids on. He was always involved in youth sports in Exeter encouraging kids again the same way. His volunteerism, his energy and his way should serve as a model to all of us. Arthur Tufts is gone. May he rest in peace and thank you J. Arthur Tufts for all you did for the people of New Hampshire. Madam Speaker, could we have a moment of silent meditation, please.

### MOMENT OF SILENCE

A moment of silence was observed in memory and honor of former New Hampshire State Representative J. Arthur Tufts.

### UNANIMOUS CONSENT

Rep. Hess addressed the House.

**MOTION TO PRINT REMARKS**

Rep. Daniel Eaton moved that the remarks made by Rep. Hess be printed in the Permanent Journal. Without objection, the Speaker so ordered.

**REMARKS**

**Rep. Hess:** Thank you very much, Madam Speaker, fellow members. Most of you, if you have been here for more than 4 months, knew Jim Oliver. You recognized him certainly. You probably talked with him. You knew who he was. I knew Jim since he moved to Hooksett in 1978. And I also know that probably few, if any, of you know who he really was and what he was. So I would like to ask you to commemorate and celebrate his life with me for a few moments. Jim was an orphan before he became a teenager. His mother died in his arms when he was 12. His father died shortly thereafter. He volunteered for the New York police department at a young age and in 1962 was sent directly into the special services unit which, for those of you who don't know it, was the elite of the elite. He served undercover for 3 years starting with the Cuban missile crisis in counter-intelligence. He worked in counter-intelligence after the crisis was over to ensure that the nation's civil rights movement in New York progressed and succeeded without reactionary violence. He continued to work in the special services for the remainder of his full 16 years in the NYPD and was instrumental, among other things, in wiping out the so called Mickey Featherstone gang or the Westies as they were known which were so violent and in control of Hell's Kitchen which is the area from about 40<sup>th</sup> to 65<sup>th</sup> Street on the West Side, 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> avenues. Even the mafia didn't enter the area. He even served for a period in the internal investigations unit which as you know is the unit that is responsible for ensuring the integrity and honesty of the department and its personnel. If you, like me, lived in New York during that period from '62 to '78 or visited or knew anything about it or remember, you know that it was the worst of times in New York. The city was broken. Crime was rampant. We had riots, not only in Harlem but across Bedford-Styvesant. Garbage was piled 15 feet deep. The tactical police force, which is those guys 6'6" and taller, were on the street corners every couple of weeks because another nurse at Columbia Presbyterian had been raped or murdered. Jim served in the city during that period of time. He came to Hooksett when we were a small village, a backwater if you will, and as you heard in the Resolution read by the Clerk this morning, turned our police department into a model of professionalism. Jim embodied the best in law enforcement and the best in our society. He practiced what he believed. He lived by his principles: integrity, dignity, pride and respect for everyone – even the bad guys. His motto was, "If you are good, the bad guys, they'll reciprocate." And they did. He used to say to me and some others, "In New York City you could tell the bad guys because they carried the guns. In New Hampshire, you knew who the bad guys were because they were the local politicians and their friends and families who thought they were entitled to special consideration by local law enforcement entities." He didn't mean it in a derogatory sense. It was a statement of fact. His whole life was dedicated to service, but it was quiet service. You never heard him talk about it. You never heard him brag about it. He never gave up on a life. There were many, including heroin addicts, who came back to thank him for what he did. And he never gave up on his job. He spent 20 years ensuring that the murderer of Danny Paquette was brought to justice and trial in the last year or two. Jim was a cops' cop and he was also just a good man. Thank you.

**MOMENT OF SILENCE**

A moment of silence was observed in memory and honor of New Hampshire State Representative James Oliver.

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Kjellman moved that the House reconsider its action whereby it adopted the minority committee report of Ought to Pass on **HR 10**, opposing President George W. Bush's Iraq policy and urging the President and Congress to take actions relative to veterans' benefits and the war in Iraq.

Rep. Kjellman spoke against.

Motion failed.

The House recessed at 1:30 p.m.

**RECESS**

**(Speaker Norelli in the Chair)**

The House reconvened at 2:30 p.m.

**REGULAR CALENDAR (CONT'D)**

**HB 565-FN**, prohibiting the use of leghold traps and conibear traps. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Vincent E. Greco for the Majority of Fish and Game: This bill, seeking to ban leg hold and "conibear" traps, faced strong opposition from the Fish and Game Department, New Hampshire Wildlife Federation, Department of Transportation, New Hampshire Timberland Owners Association, New Hampshire Farm Bureau, Department of Agriculture, local communities, New Hampshire Trappers Association and the general public. A prohibition aimed at the common types of traps used would have a financial impact on local communities and landowners as property damage would increase and the practice of trapping would effectively end. Nuisance complaints would also increase and affect both Fish and Game and animal control agencies. Trapping is a long standing practice, highly regulated, and does not occur without written permission from landowners and registration with the Fish and Game Department. The New Hampshire Trappers Association, working with the Fish and Game Department has developed a code of ethics and is very active in policing their activity and the members. Testimony that trappers no longer make a living pursuing their activity is not relevant. Dogs caught in traps, an infrequent occurrence, is usually the result of the animal being on private property without landowner permission and results in distress both to the pet owner and also to the landowner. Although the bulk of the testimony was in opposition to the bill the compelling reason for rejecting this legislation again, as it was rejected in 1997, is that we choose not to restrict lawful and longstanding practices here in New Hampshire. Vote 13-2.

Rep. Carla M. Skinder for the Minority of Fish and Game: This is a humane treatment of animals issue. Until there are truly humane traps, the minority is unable to support the position of the majority on this bill. There are solutions to many of the problems that are encountered by "nuisance" animals.

Reps. Skinder, McCarthy and Vaillancourt spoke against.

Reps. Henson and Porter spoke in favor.

Rep. L'Heureux requested a roll call; sufficiently seconded.

**YEAS 241 NAYS 118****YEAS 241****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Millham, Alida
Neddeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael
Wood, Jane			

**CARROLL**

Ahlgren, Christopher	Bridgham, Robert	Butler, Edward	Chandler, Gene
Cunningham, Howard	Denley, William	Heard, Virginia	Knox, J. David
Morrow, Harry	Patten, Betsey	Stevens, Stanley	

**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butterworth, Timothy	Butynski, William
Chase, William	Emerson, Susan	Espiefs, Peter	Hunt, John
Johnson, Jane	Lerandeau, Alfred	Pelkey, Stephen	Richardson, Barbara
Roberts, Kris	Weber, Lucy		

**COOS**

King, Frederick	Mears, Edgar	Remick, William	Tholl, John Jr
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**GRAFTON**

Aguiar, James	Almy, Susan	Andersen, Gene	Bleyler, Ruth
Bulis, Lyle	Dingman, Vernon III	Estes, Carole	Gionet, Edmond
Ingbretson, Paul	Matheson, Robert	McLeod, Martha	Mulholland, Catherine
Solomon, Peter	Sorg, Gregory		

**HILLSBOROUGH**

Baroody, Benjamin  
 Bergeron, Jean-Guy  
 Christiansen, Lars  
 Daler, Jennifer  
 Elliott, Nancy  
 Fontas, Jeffrey  
 Gargas, Carolyn  
 Graham, John  
 Hansen, Ryan  
 Holden, Randolph  
 Kelley, John  
 Kurk, Neal  
 Manney, Pamela  
 Mooney, Maureen  
 O'Connell, Timothy  
 Peterson, Andy  
 Reuschel, Michael  
 Simon, Anthony  
 Sullivan, Francis

Barry, Richard  
 Bergin, Peter  
 Clemons, Jane  
 Daniels, Gary  
 Emerton, Larry  
 Forest, Armand  
 Garrity, Patrick  
 Hackel, Paul  
 Hawkins, Ken  
 Hunter, Bruce  
 Knowles, John  
 L'Heureux, Robert  
 Martineau, Jesse  
 Moran, Edward  
 O'Neil, James  
 Price, Pamela  
 Rosenwald, Cindy  
 Smith, David  
 Tahir, Saghir

Batula, Peter  
 Campbell, David  
 Cote, David  
 Day, Russell  
 Essex, David  
 Foster, Linda  
 Ginsburg, Ruth  
 Haefner, Robert  
 Hinkle, Peyton  
 Jasper, Shawn  
 Knowles, Mary Ann  
 Lawrence, James  
 McRae, Karen  
 Movsesian, Lori  
 Ober, Lynne  
 Reeves, Sandra  
 Rowe, Robert  
 Soucy, Connie  
 Ulery, Jordan

Beaulieu, Jane  
 Christensen, Chris  
 Coughlin, Pamela  
 Drisko, Richard  
 Fletcher, Richard  
 Francoeur, Bea  
 Goley, Jeffrey  
 Hammond, Jill  
 Hogan, Edith  
 Jean, Claudette  
 Kopka, Angeline  
 Levesque, Melanie  
 Mesa, Lily  
 O'Brien, Michael Sr  
 Ober, Russell III  
 Renzullo, Andrew  
 Shaw, Kimberly  
 Stepanek, Stephen  
 Winters, Joel

**MERRIMACK**

Anderson, Eric  
 Clarke, Claire  
 Greco, Vincent  
 Kidder, David  
 Porter, Margaret  
 Tupper, Frank

Beauchesne, Suzanne  
 Davis, Frank  
 Hamm, Christine  
 Lockwood, Priscilla  
 Reardon, Tara  
 Wheeler, Deborah

Bouchard, Candace  
 DeStefano, Stephen  
 Hess, David  
 MacKay, James  
 Reed, Dennis  
 Williams, Robert

Brown, Carole  
 Foose, Robert  
 Humphries, Charlie  
 Owen, Derek  
 Shurtleff, Stephen  
 Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
 Belanger, Ronald  
 Carson, Sharon  
 Dalrymple, David  
 Fesh, Bob  
 Garrity, James  
 Headd, James  
 Ingram, Russell  
 Katsakiores, George  
 Major, Norman  
 McMahon, Charles  
 Pantelakos, Laura  
 Quandt, Matthew  
 Sanders, Elisabeth  
 Weare, Everett  
 Wickson, Rick

Allen, Mary  
 Bishop, Franklin  
 Case, Frank  
 Devine, James  
 Flanders, John Sr  
 Gould, Kenneth  
 Henson, John  
 Introne, Robert  
 Kennedy, James  
 McGuirk, Thomas  
 Moore, Bennett  
 Preston, Mark  
 Rausch, James  
 Snow, Richard  
 Welch, David

Baldasaro, Alfred  
 Brown, C. Pennington  
 Casey, Kimberley  
 Dumaine, Dudley  
 Forsing, Robert  
 Griffin, Mary  
 Hopfgarten, Paul  
 Itse, Daniel  
 Lister, Charlotte  
 McKenna, Daniel  
 Nord, Susi  
 Priestley, Anne  
 Reagan, John  
 Stiles, Nancy  
 Wells, Roger

Bedrick, Jason  
 Camm, Kevin  
 Charron, Gene  
 Elliott, Robert  
 Garcia, Marilinda  
 Guthrie, Joseph  
 Howard, Doreen  
 Kappler, Lawrence  
 Lund, Howie  
 McKinney, Betsy  
 Nowe, Ronald  
 Quandt, Marshall  
 Robertson, Carl  
 Waterhouse, Kevin  
 Weyler, Kenneth

**STRAFFORD**

Berube, Roger  
 DeChane, Marlene  
 Kaen, Naida  
 Perry, Robert  
 Vachon, Dennis

Brown, George  
 Domingo, Baldwin  
 Knowles, William  
 Rollo, Deanna  
 Wall, Janet

Brown, Julie  
 Fargo, Thomas  
 Mickelson, Shawn  
 Rollo, Michael

Brown, Larry  
 Hutz, Sarah  
 Miller, Joseph  
 Sprague, Dale

**SULLIVAN**

Cloutier, John  
 Phinzy, James

Converse, Larry  
 Rodeschin, Beverly

Ferland, Brenda

Gagnon, Raymond

**NAYS 118****BELKNAP**

Arsenault, Beth	Morrison, Gail	Reever, Judith
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**CARROLL**

Buco, Thomas	Martin, James
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**CHESHIRE**

Butcher, Suzanne	Dunn, J. Timothy	Eaton, Daniel	Mitchell, Bonnie
Parkhurst, Henry	Robertson, Timothy	Sad, Tara	Weed, Charles

**COOS**

Hatch, William	Merrick, Evalyn	Merrick, Scott	Theberge, Robert
Thomas, Yvonne			

**GRAFTON**

Benn, Bernard	Cooney, Mary	Friedrich, Carol	Hammond, Lee
Lovett, Sid	Nordgren, Sharon	Pierce, David	Preston, Philip

**HILLSBOROUGH**

Beck, Catriona	Brunelle, Michael	Chase, Claudia	Crane, Elenore Casey
Dokmo, Cynthia	Edwards, Andrew	Gorman, Mary	Hall, Betty
Harvey, Suzanne	Hebert, Roger	Kaelin, Michael	Katsiantonis, George
Lasky, Bette	Leishman, Peter	Lessard, Rudy	Levasseur, Nickolas
Lisle, Carolyn	Long, Patrick	Mack, Ron	Marshall, Seth
Matarazzo, Anthony Sr	Messier, Irene	Pilotte, Maurice	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Smith, Sandra	Spratt, Stephen
Sullivan, Daniel	Sysyn, Mary	Vaillancourt, Steve	Villeneuve, Maurice

**MERRIMACK**

Baxley, Maureen	Blanchard, Elizabeth	Brueggemann, Donald	Ehlers, Eileen
French, Barbara	Gile, Mary	Kelly, Sally	Kjellman, Eleanor Glynn
Osborne, Jessie	Potter, Frances	Richardson, Gary	Ryan, Jim
Tilton, Joy	Walz, Mary	Webb, Leigh	

**ROCKINGHAM**

Bettencourt, David	Borden, David	Buxton, Donald	Cali-Pitts, Jacqueline
Day, Judith	DiFrucia, Anthony	Emiro, Frank	Flockhart, Eileen
Gleason, John	Grote, Otto	Hutchinson, Karen	Katsakiores, Phyllis
Kelley, Jane	Kepner, Susan	Marsh, Michael	McCarthy, Linda
McEachern, Paul	Moody, Marcia	Packard, Sherman	Powers, James
Russell, Trink	Serlin, Christopher	Splaine, James	Winchell, George

**STRAFFORD**

Billian, Deborah	Brown, Jennifer	Browne, Brendon	Burke, Rachel
Cyr, James	Goodwin, Earle	Grassie, Anne	Hilliard, Dana
Hofemann, Roland	Hubbard, Pamela	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Watson, Robert		

**SULLIVAN**

Donovan, Thomas	Franklin, Peter	Gottling, Suzanne	Houde, Matthew
Jillette, Arthur Jr	Nielsen, Ellen	Skinder, Carla	

and the majority committee report was adopted.

Rep. Carolyn Brown did not vote and notified the Clerk that she wished to be recorded in favor.

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. L'Heureux moved that the House reconsider its action whereby it adopted the majority committee report of Inexpedient to Legislate on **HB 565-FN**, prohibiting the use of leghold traps and conibear traps.

Rep. L'Heureux spoke against.

Motion failed.

**REGULAR CALENDAR (CONT'D)****HB 273-FN**, relative to special needs trusts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ruth Z. Bleyler for Health, Human Services and Elderly Affairs: This bill simply states that when determining continuing eligibility for Medicaid, the distributions from "Special Needs" trusts should be counted, or not counted, as provided for in federal law, specifically Title XVI of the Social Security Act. Thus, distributions other than for food and shelter can be made to enhance quality of life while retaining medical benefits necessary for well-being. The committee heard from several experts who testified to the security families need in knowing that their disabled family members may continue to maintain a similar quality of life after the trauma of losing a parent; thus providing stability that could prevent the need for additional support from the state. The Department of Health and Human Services acknowledged that with this amendment, the amount of the fiscal note will decrease. Testimony received at the hearing did not support any costs to the department, but in fact the department may save dollars. Vote 19-0.

**Amendment (0440h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Public Assistance to the Blind, Aged, or Disabled Persons, and to Dependent Children; Eligibility for Assistance; Special Needs Trusts. Amend RSA 167:4 by inserting after paragraph IV the following new paragraph:

V. Distributions of the income or principal, or both, of a special needs trust to or for the benefit of the disabled beneficiary shall be disregarded for income eligibility purposes of all categories of public medical assistance to the same extent that such distributions are disregarded for purposes of Title XVI of the Social Security Act. Funds expended by a trustee of a special needs trust to purchase or maintain assets owned by the trustee in his or her capacity as trustee of the trust shall also be disregarded for such income eligibility purposes. For the purposes of this paragraph "special needs trust" means any trust established by a third party for the sole benefit of an individual who is considered disabled under the provisions of section 1614(a)(3) of the Social Security Act, and any trust funded with the resources of such an individual and complying with the provisions of section 1917(d)(4) of such Act.

2 Effective Date. This act shall take effect 30 days after its passage.

**AMENDED ANALYSIS**

This bill provides that disbursements from qualifying special needs trusts shall not be counted as unearned income when determining eligibility for public medical assistance unless they are used for food or shelter, as those terms are defined for the purposes of the federal Supplemental Security Income program.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 408**, establishing a council for the homeless. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer Daler for Health, Human Services and Elderly Affairs: This bill would create a council on homelessness to include actual homeless or recently homeless individuals. The committee felt there are at least two current vehicles, the Emergency Shelter and Homeless Coordination Commission and the Governor's Interagency Council on Homelessness, which can be worked with to include those voices. It was recommended that a caucus on homelessness be created to work on legislation addressing this complex issue. Vote 17-1.

Committee report adopted.

**HB 563**, relative to obtaining birth certificates for stillborn children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: This bill, as amended, changes the terminology of a Certificate of Fetal Death to a Certificate of Stillbirth. It may provide some measure of comfort for grieving parents. There was no opposing testimony, and the sponsor agreed. Vote 16-1.

**Amendment (0895h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to obtaining certificates of stillbirth.



Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Certificate of Stillbirth. Amend RSA 5-C by inserting after section 19 the following new section:

5-C:19-a Certificate of Stillbirth. The director shall establish a certificate of stillbirth on a form approved by the director for each fetal death, as defined in RSA 5-C:1, XII, occurring in this state. This certificate shall be available to the parent or parents of a stillborn upon request.

2 Reporting of Fetal Deaths. RSA 5-C:74, IV is repealed and reenacted to read as follows: IV. The director shall establish a certificate of stillbirth on a form approved by the director for each fetal death, as defined in RSA 5-C:1, XII, occurring in this state. This certificate shall be available to the parent or parents of a stillborn upon request.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires the director of the division of vital records administration to establish a certificate of stillbirth.

Rep. Rosenwald moved Recommit, spoke in favor and yielded to questions.

Motion adopted.

Recommitted to the Committee on Health, Human Services and Elderly Affairs.

**HB 774-FN**, relative to the use of marijuana for medicinal purposes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert G. Bridgham for the Majority of Health, Human Services and Elderly Affairs: This bill would attempt to immunize from state prosecution the preparation and use of marijuana for relief of symptoms associated with "debilitating medical conditions." There was consensus in the committee that the limiting provisions in the bill are so loose and broad that effective control is not possible. Authoritative national organizations, such as the National Academy of Science and other prestigious medical organizations have not produced statements of clear guidance regarding the consequences of marijuana use. This may be because reliable science on marijuana is difficult, since it is not a single substance, but a mixture of many chemicals, different with each lot. This bill would create a dangerous precedent by authorizing a drug for medicinal purposes through legislative action, bypassing the FDA process in which the effectiveness and safety of prescription drugs are established and their prescription, distribution and use carefully monitored. Much of the symptomatic relief claimed for marijuana may soon be available from Sativex, a drug now in the FDA process of investigation and approval. The majority of the committee found the bill to be fundamentally flawed. The possession and use of marijuana is illegal under federal laws, and state law in this area cannot block federal law. Litigation has gone all the way up to the U.S. Supreme Court. The Ninth Circuit Court of Appeals has also just reaffirmed that individuals are not immune from federal prosecution even if their state has a medical marijuana law. It would be fundamentally cruel to promise protection to the sick and vulnerable that this bill cannot provide. Vote 12-7.

Rep. Evalyn S. Merrick for the Minority of Health, Human Services and Elderly Affairs: The minority of this committee believes the legislature should pass HB 774. The minority also believes the use of marijuana, for medically-appropriate purposes only, will provide safe, responsible and humane options for patients suffering from severe and chronic pain. Studies and available evidence have proven that marijuana can and does alleviate and/or minimize pain and suffering associated with certain diseases, illnesses and powerful drug therapies (i.e. chemo). The minority contends that meaningful, appropriate and acceptable legislation often begins at the state level. The minority does not condone the legalization of marijuana. However, HB 774, as written, provides safeguards to assure the controlled, certified, monitored, and appropriate use of marijuana. A physician must deem its use medically necessary, at a therapeutic level, based on the patient's diagnosis. Finally, the minority feels that no physician should be told which therapeutic intervention he/she can or cannot prescribe. To withhold a treatment, which has proven to ameliorate and/or reduce substantially, severe pain and suffering, is immoral, unethical and unconscionable. At this time, there is no other pharmaceutical agent which provides the relief to patients that marijuana does.

Reps. Timothy Robertson, Evalyn Merrick and William Chase spoke against

Reps. Miller, Butynski and Bridgham spoke in favor.

Rep. Batula requested a roll call; sufficiently seconded.

**YEAS 186 NAYS 177****YEAS 186****BELKNAP**

Allen, Janet  
Nedeau, Stephen  
Tilton, Franklin  
Wood, Jane

Boyce, Laurie  
Pilliod, James  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Millham, Alida  
Thomas, John  
Whalley, Michael

**CARROLL**

Ahlgren, Christopher  
Chandler, Gene  
Martin, James

Bridgham, Robert  
Cunningham, Howard  
Morrow, Harry

Brown, Carolyn  
Denley, William  
Patten, Betsey

Buco, Thomas  
Knox, J. David  
Stevens, Stanley

**CHESHIRE**

Butynski, William  
Lerandeau, Alfred

Emerson, Susan  
Parkhurst, Henry

Hunt, John  
Pelkey, Stephen

Johnson, Jane

**COOS**

Hatch, William

Remick, William

Tholl, John Jr

**GRAFTON**

Bulis, Lyle  
McLeod, Martha

Dingman, Vernon III  
Solomon, Peter

Estes, Carole

Harding, A Laurie

**HILLSBOROUGH**

Batula, Peter  
Christiansen, Lars  
Daniels, Gary  
Emerton, Larry  
Goley, Jeffrey  
Hammond, Jill  
Hogan, Edith  
Kelley, John  
Kurk, Neal  
Marshall, Seth  
Moran, Edward  
Ober, Lynne  
Reeves, Sandra  
Smith, David  
Ulery, Jordan

Bergeron, Jean-Guy  
Cote, David  
Day, Russell  
Forest, Armand  
Gorman, Mary  
Hansen, Ryan  
Hunter, Bruce  
Knowles, John  
L'Heureux, Robert  
Matarazzo, Anthony Sr  
Movsesian, Lori  
Peterson, Andy  
Rosenwald, Cindy  
Spratt, Stephen  
Villeneuve, Maurice

Bergin, Peter  
Coughlin, Pamela  
Drisko, Richard  
Foster, Linda  
Graham, John  
Hawkins, Ken  
Irwin, Anne-Marie  
Knowles, Mary Ann  
Lawrence, James  
Messier, Irene  
O'Connell, Timothy  
Pilotte, Maurice  
Rowe, Robert  
Stepanek, Stephen

Christensen, Chris  
Daler, Jennifer  
Elliott, Nancy  
Gargas, Carolyn  
Haefner, Robert  
Hinkle, Peyton  
Jasper, Shawn  
Kopka, Angeline  
Lessard, Rudy  
Mooney, Maureen  
O'Neil, James  
Price, Pamela  
Schulze, Joan  
Tahir, Saghir

**MERRIMACK**

Anderson, Eric  
Hamm, Christine  
MacKay, James  
Wallner, Mary

Davis, Frank  
Hess, David  
McMahon, Patricia  
Webb, Leigh

DeStefano, Stephen  
Humphries, Charlie  
Reardon, Tara

Hager, Elizabeth  
Kidder, David  
Reed, Dennis

**ROCKINGHAM**

Abbott, Dennis  
Bettencourt, David  
Carson, Sharon  
Dalrymple, David  
Fesh, Bob  
Garrity, James  
Headd, James  
Ingram, Russell  
Kappler, Lawrence

Allen, Mary  
Bishop, Franklin  
Case, Frank  
Devine, James  
Flanders, John Sr  
Gleason, John  
Hopfgarten, Paul  
Introne, Robert  
Katsakiores, George

Baldasaro, Alfred  
Buxton, Donald  
Casey, Kimberley  
Dumaine, Dudley  
Forsing, Robert  
Gould, Kenneth  
Howard, Doreen  
Itse, Daniel  
Katsakiores, Phyllis

Belanger, Ronald  
Camm, Kevin  
Charron, Gene  
Elliott, Robert  
Garcia, Marilinda  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Robert  
Lund, Howie

Major, Norman  
Nowe, Ronald  
Quandt, Marshall  
Russell, Trinka  
Welch, David

McKinney, Betsy  
Packard, Sherman  
Quandt, Matthew  
Sanders, Elisabeth  
Weyler, Kenneth

McMahon, Charles  
Pantelakos, Laura  
Rausch, James  
Stiles, Nancy  
Wickson, Rick

Moore, Bennett  
Priestley, Anne  
Robertson, Carl  
Weare, Everett  
Winchell, George

### STRAFFORD

Berube, Roger  
Miller, Joseph  
Smith, Marjorie

Brown, George  
Rollo, Deanna  
Vachon, Dennis

Hutz, Sarah  
Rollo, Michael  
Wall, Janet

Mickelonis, Shawn  
Rous, Emma

### SULLIVAN

Ferland, Brenda  
Nielsen, Ellen

Gagnon, Raymond  
Rodeschin, Beverly

Gottling, Suzanne

Houde, Matthew

### NAYS 177

### BELKNAP

Arsenault, Beth

Morrison, Gail

Reever, Judith

### CARROLL

Butler, Edward

Heard, Virginia

### CHESHIRE

Allen, Peter  
Chase, William  
Mitchell, Bonnie  
Sad, Tara

Burridge, Delmar  
Dunn, J. Timothy  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Eaton, Daniel  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Espiefs, Peter  
Robertson, Timothy

### COOS

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

Theberge, Robert

### GRAFTON

Aguiar, James  
Cooney, Mary  
Ingbretson, Paul  
Nordgren, Sharon

Andersen, Gene  
Friedrich, Carol  
Lovett, Sid  
Pierce, David

Benn, Bernard  
Gionet, Edmond  
Matheson, Robert  
Preston, Philip

Bleyler, Ruth  
Hammond, Lee  
Mulholland, Catherine  
Sorg, Gregory

### HILLSBOROUGH

Baroody, Benjamin  
Brunelle, Michael  
Crane, Elenore Casey  
Fletcher, Richard  
Ginsburg, Ruth  
Hebert, Roger  
Katsiantonis, George  
Levesque, Melanie  
Manney, Pamela  
O'Brien, Michael Sr  
Shattuck, Gilman  
Smith, Sandra  
Sysyn, Mary

Barry, Richard  
Campbell, David  
Dokmo, Cynthia  
Fontas, Jeffrey  
Hackel, Paul  
Holden, Randolph  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
Ober, Russell III  
Shaw, Barbara  
Soucy, Connie  
Vaillancourt, Steve

Beaulieu, Jane  
Chase, Claudia  
Edwards, Andrew  
Francoeur, Bea  
Hall, Betty  
Jean, Claudette  
Leishman, Peter  
Long, Patrick  
McRae, Karen  
Renzullo, Andrew  
Shaw, Kimberly  
Sullivan, Daniel  
Winters, Joel

Beck, Catriona  
Clemons, Jane  
Essex, David  
Garrity, Patrick  
Harvey, Suzanne  
Kaelin, Michael  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily  
Reuschel, Michael  
Simon, Anthony  
Sullivan, Francis

### MERRIMACK

Baxley, Maureen  
Brown, Carole  
Foose, Robert  
Kelly, Sally

Beauchesne, Suzanne  
Brueggemann, Donald  
French, Barbara  
Kjellman, Eleanor Glynn

Blanchard, Elizabeth  
Clarke, Claire  
Gile, Mary  
Lockwood, Priscilla

Bouchard, Candace  
Ehlers, Eileen  
Greco, Vincent  
Osborne, Jessie

Owen, Derek  
Ryan, Jim  
Waltz, Mary

Porter, Margaret  
Shurtleff, Stephen  
Wheeler, Deborah

Potter, Frances  
Tilton, Joy  
Williams, Robert

Richardson, Gary  
Tupper, Frank  
Yeaton, Charles

### ROCKINGHAM

Bedrick, Jason  
Day, Judith  
Grote, Otto  
Kennedy, James  
McCarthy, Linda  
Moody, Marcia  
Serlin, Christopher  
Wells, Roger

Borden, David  
DiFruscia, Anthony  
Guthrie, Joseph  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Snow, Richard

Brown, C. Pennington  
Emiro, Frank  
Henson, John  
Lister, Charlotte  
McGuirk, Thomas  
Powers, James  
Splaine, James

Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Kelley, Jane  
Marsh, Michael  
McKenna, Daniel  
Reagan, John  
Waterhouse, Kevin

### STRAFFORD

Billian, Deborah  
Browne, Brendon  
Domingo, Baldwin  
Hofemann, Roland  
Perry, Robert  
Watson, Robert

Brown, Jennifer  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Schmidt, Peter

Brown, Julie  
Cyr, James  
Grassie, Anne  
Kaen, Naida  
Spang, Judith

Brown, Larry  
DeChane, Marlene  
Hilliard, Dana  
Knowles, William  
Sprague, Dale

### SULLIVAN

Cloutier, John  
Jillette, Arthur Jr

Converse, Larry  
Phinizy, James

Donovan, Thomas  
Skinder, Carla

Franklin, Peter

and the majority committee report was adopted.

**HB 826-FN**, relative to coverage of medically necessary services and items under the medical assistance program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S. Butcher for Health, Human Services and Elderly Affairs: This bill addresses coverage of services and items, including durable medical equipment, under the state Medicaid program. It affirms the intent of the Legislature to support persons with special health care needs and disabilities so that they may live in their homes and communities as independently as possible. It requires DHHS to establish a review process that would consider extenuating circumstances in individual cases. The amendment replaces the bill's definition of medical necessity with a requirement that the department develop definitions consistent with federal law and the Legislature's intent, and sets criteria for the review process. Criteria include consideration of whether the service or item is medically necessary, denial would be clinically contraindicated, new scientific evidence demonstrates efficacy or medical appropriateness, or the service or item will prevent the need for a more costly covered service or item, including hospitalization or institutionalization. The bill specifically requires coverage of disposable incontinence supplies. This would enable citizens to live in dignity and would prevent the greater cost of institutionalization, since incontinence is a major reason for admissions to nursing homes. Vote 19-0.

### Amendment (0833h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to coverage of services and items under the medical assistance program.

Amend the bill by replacing section 1 with the following:

1 New Section; Coverage of Services and Items Under the Medical Assistance Program. Amend RSA 167 by inserting after section 3-g the following new section:

167:3-h Coverage of Services and Items Under the Medical Assistance Program.

I. It is the intent of the general court to support persons with special health care needs and disabilities with coverage of medically necessary service and items under the medical assistance program so that they may live in their home and communities as independently as possible and with the maximum ability to be mobile and exercise self care.

II. For the purpose of providing medical assistance, the department shall develop a definition of "medical necessity" consistent with Title XIX of the Social Security Act and consistent with paragraph I.

III. The commissioner of the department of health and human services shall establish by rules adopted under RSA 541-A an independent coverage review process for any and all services and items allowable under Title XIX of the Social Security Act and not otherwise identified as a covered service or item under rules established by the department. The review process shall include consideration of extenuating circumstances unique to the medical assistance recipient that warrant coverage of the service or item. Criteria for coverage shall include all of the following:

- (a) The service or item is medically necessary;
- (b) The service or item does not meet the definition of medically necessary, but the department's clinical review finds that there are extenuating circumstances unique to the recipient that would make a denial for coverage clinically contraindicated;
- (c) The service or item does not meet the definition of medically necessary, but the department's clinical review finds that new scientific evidence exists in the medical literature or by experts in the field about the efficacy or medical appropriateness of the requested item, and the department determines that the original basis for non-coverage was based on the previous lack of such evidence; or
- (d) The service or item will prevent the need for a more costly covered service or item, including prevention of hospitalization or institutionalization.

IV. Medical assistance shall include coverage for disposable incontinence supplies under the Medicaid state plan for individuals who have a medical condition resulting in incontinence, as documented by a physician.

#### AMENDED ANALYSIS

This bill requires the department of health and human services to define medical necessity in a manner consistent with the Social Security Act and to establish an independent coverage review process under the medical assistance program for services and items not otherwise covered. The bill also requires coverage for disposable incontinence supplies under the Medicaid state plan. Amendment adopted.

Committee report adopted and ordered to third reading.

#### **HB 864-FN**, requiring licensing of outpatient abortion facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The majority is concerned that this bill would micromanage the practice of licensed doctors and nurses and health care providers working in outpatient abortion facilities. If passed, it would require DHHS to inspect and license abortion facilities, requiring additional inspectors in an already over-extended licensure staff. Currently, outpatient providers are required to meet federal OSHA and clinical laboratory improvement amendments, and the credentialing requirements of Medicaid, Medicare and private insurers. In addition, this bill would add certain fees and fines. The majority strongly agreed that this legislation is not needed in light of the professional licensing requirements. Vote 13-4.

Rep. Nancy Elliott spoke against.

Rep. Daler spoke in favor.

Rep. Dumaine spoke against and yielded to questions.

Rep. Rosenwald spoke in favor and yielded to questions.

Committee report adopted.

#### **HB 893-FN**, relative to long-term care. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill is the continuation of a number of bills relative to enhancing and strengthening the long-term care program within the State of New Hampshire. Of critical importance in the bill is the fact that it maintains current eligibility criteria for nursing facility services established through HB 691 in 2005, which would have otherwise sunset and reverted back to the old unacceptable criteria prior to the enactment of HB 691. The bill also reinforces that individuals really are in control of their lives in their waning years by adding stronger language both to their role in the long-term care process and in maintaining their ability to remain in their own home for as long as possible. It requires the department to make public an annual report that quantifies certain needs that elderly and chronically-ill adults have and how those needs are or are not being met, as well as the reasons why they are not being met. It also looks at the length of time it takes with respect to the process for an individual to receive these critically necessary services from the time one applies for them or is re-

ferred to them, among other areas of concern. The bill also establishes a presumptive eligibility process for those individuals who in all probability would meet the clinical and financial eligibility criteria; services could be provided in a much more timely manner rather than having to wait, at times, months for all the paperwork to wind its way through the system. The department will set the eligibility requirements, allowing them to control risk. Applicants that the department believes less likely to meet eligibility requirements would not be fast tracked through the presumptive mechanism, which will protect the state from making a hasty wrong decision. The great majority of the committee looked at this bill primarily as a bill of efficiency to help fix a system that has been struggling a great deal over the last two years for numerous reasons at the client's expense. Timely intervention into these critically-ill individuals' lives will allow them to receive the necessary services that hopefully will enable them to remain in their own homes and not have to enter more costly, more restrictive nursing home care. Vote 18-1.

#### Amendment (0751h)

Amend RSA 151-E:1, III as inserted by section 1 of the bill by replacing it with the following:

III. This chapter is ~~[an initial]~~ **an essential** step toward ~~[incrementally]~~ rebalancing the long-term care system and expanding choices available to recipients. It increases the continuum of care by adding mid-level care, including but not limited to, assisted living and residential care services. Through an acuity-based reimbursement system ~~[and]~~, a comprehensive needs assessment process, **and an information and assistance process, it [encourages] provides** those eligible for Medicaid nursing facility services **the opportunity to [consider] choose** more appropriate, less costly mid-level services and home and community-based care. In this way, the state intends to serve this increasing Medicaid eligible population more appropriately and more economically.

Amend the introductory paragraph of RSA 151-E:3, I(a) as inserted by section 3 of the bill by replacing it with the following:

(a) Clinically eligible for nursing facility care because the person requires 24-hour care for one or more of the following purposes, as determined by registered nurses ~~[employed by state or county government using]~~ **appropriately trained to use** an assessment tool **and employed by state government, county government, an independent case management agency, or a designee acting on behalf of the department:**

Amend RSA 151-E:3, IV as inserted by section 4 of the bill by replacing it with the following:

IV. For the purposes of the assessment performed pursuant to paragraph I, the registered nurse shall give substantial weight to clinical information provided by the applicant's physician, including, but not limited to, diagnosis, prognosis, and plan of care recommendations.

Amend the introductory paragraph of RSA 151-E:16, I as inserted by section 7 of the bill by replacing it with the following:

I. The department shall make publicly available an annual report, beginning on January 1, 2008, that quantifies the following information for all services provided to elderly or chronically ill adults by or through the bureau of elderly and adult services; such report to include data which is available, and if data is unavailable or incomplete, an explanation for such omission:

Amend RSA 151-E:18 as inserted by section 7 of the bill by replacing it with the following:

151-E:18 Availability of Targeted Management Services. The department shall make available to and advise all Medicaid recipients who require a nursing facility level of care or are at risk of needing such care and who are patients in hospitals, rehabilitation hospitals, or nursing facilities of the availability of targeted case management services provided by independent case managers, to explore the feasibility of transitioning to home and community-based care.

Amend RSA 151-E:19, III as inserted by section 7 of the bill by replacing it with the following:

III. Presumptive eligibility authorizations shall be dependent upon a face-to-face interview of each applicant and review of a completed Medicaid application. The department district offices, information and referral resource centers, and qualified providers shall perform the face-to-face interview within 20 business days of a request for medical assistance. The department district offices, information and referral resource centers, and qualified providers shall assist the applicant in completing the application within 5 business days of the face-to-face interview and the department shall review the application for presumptive eligibility within 5 business days of completion of the application.

#### AMENDED ANALYSIS

This bill:

I. Authorizes individuals eligible to receive Medicaid-funded nursing home services with the right to have their individual support plans developed through a person-centered planning process regardless of age, disability, or residential setting.

II. Maintains current eligibility criteria for nursing facility services which would change on July 1, 2007.

III. Requires that the department make publicly available an annual report on the availability of, need for, and quality of long-term care services in each county of the state.

IV. Requires that the department calculate accurate cost estimates of the full cost to the state of adequately funding long-term care services and to submit these estimates as an informational addendum with its budget request.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

**CACR I**, relating to the definition of marriage. Providing that marriage between one man and one woman shall be the only legal union that shall be valid or recognized in this state. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bette R Lasky for the Majority of Judiciary: This constitutional amendment proposal would put to the voters the question of whether to amend the New Hampshire Constitution to recognize only the legal union between one man and one woman. The majority of the committee voted to find it inexpedient to legislate for several reasons. First and foremost, the majority believes that this "House of the People" should not enshrine discrimination of any kind in the New Hampshire Constitution. All our citizens deserve the freedoms, protections and rights guaranteed in the document. The Constitution should be a protector of minority rights and this Legislature should never allow otherwise. Vote 14-6.

Rep. Nancy J. Elliott for the Minority of Judiciary: Given that we have many bills attempting to redefine marriage, the minority believes that we should let the people vote and have a voice in what the future of marriage in this state will be.

Rep. Dumaine spoke against.

Rep. Lasky spoke in favor.

### MOTION TO LAY ON THE TABLE

Rep. Serlin moved that **CACR I**, relating to the definition of marriage. Providing that marriage between one man and one woman shall be the only legal union that shall be valid or recognized in this state, be laid on the table.

Rep. Dumaine requested a roll call; sufficiently seconded.

### YEAS 197 NAYS 155

#### YEAS 197 BELKNAP

Millham, Alida	Morrison, Gail	Pilliod, James	Reever, Judith
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#### CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia	Knox, J. David		

#### CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Chase, William	Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter
Lerandeau, Alfred	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weber, Lucy
Weed, Charles			

#### COOS

Hatch, William	Mears, Edgar	Merrick, Evalyn	Merrick, Scott
Theberge, Robert	Thomas, Yvonne		

#### GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Friedrich, Carol	Hammond, Lee
Harding, A Laurie	Matheson, Robert	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Pierce, David	Preston, Philip	Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
 Brunelle, Michael  
 Cote, David  
 Essex, David  
 Francoeur, Bea  
 Gorman, Mary  
 Holden, Randolph  
 Kelley, John  
 Lasky, Bette  
 Lisle, Carolyn  
 Martineau, Jesse  
 O'Brien, Michael Sr  
 Schulze, Joan  
 Spratt, Stephen

Beaulieu, Jane  
 Campbell, David  
 Daler, Jennifer  
 Farley, Michael  
 Garrity, Patrick  
 Hackel, Paul  
 Irwin, Anne-Marie  
 Knowles, John  
 Leishman, Peter  
 Long, Patrick  
 Matarazzo, Anthony Sr  
 O'Neil, James  
 Shattuck, Gilman  
 Sullivan, Daniel

Beck, Catriona  
 Chase, Claudia  
 Drisko, Richard  
 Fontas, Jeffrey  
 Ginsburg, Ruth  
 Hammond, Jill  
 Jean, Claudette  
 Knowles, Mary Ann  
 Levasseur, Nickolas  
 Mack, Ron  
 Mesa, Lily  
 Reuschel, Michael  
 Shaw, Barbara  
 Sullivan, Francis

Bergin, Peter  
 Clemons, Jane  
 Edwards, Andrew  
 Foster, Linda  
 Goley, Jeffrey  
 Hebert, Roger  
 Kaelin, Michael  
 Kopka, Angeline  
 Levesque, Melanie  
 Marshall, Seth  
 Movsesian, Lori  
 Rosenwald, Cindy  
 Simon, Anthony

**MERRIMACK**

Baxley, Maureen  
 Brown, Carole  
 Ehlers, Eileen  
 Greco, Vincent  
 McMahon, Patricia  
 Potter, Frances  
 Shurtleff, Stephen  
 Webb, Leigh

Beauchesne, Suzanne  
 Brueggemann, Donald  
 Foose, Robert  
 Hager, Elizabeth  
 Osborne, Jessie  
 Reardon, Tara  
 Tupper, Frank  
 Wheeler, Deborah

Blanchard, Elizabeth  
 Davis, Frank  
 French, Barbara  
 Kelly, Sally  
 Owen, Derek  
 Richardson, Gary  
 Wallner, Mary  
 Williams, Robert

Bouchard, Candace  
 DeStefano, Stephen  
 Gile, Mary  
 Kidder, David  
 Porter, Margaret  
 Ryan, Jim  
 Walz, Mary  
 Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
 Day, Judith  
 Henson, John  
 Kepner, Susan  
 McKenna, Daniel  
 Pantelakos, Laura  
 Serlin, Christopher

Borden, David  
 Flockhart, Eileen  
 Howard, Doreen  
 Lister, Charlotte  
 Moody, Marcia  
 Powers, James  
 Splaine, James

Brown, C. Pennington  
 Gould, Kenneth  
 Johnson, Robert  
 Marsh, Michael  
 Moore, Bennett  
 Robertson, Carl

Casey, Kimberley  
 Grote, Otto  
 Kennedy, James  
 McEachern, Paul  
 Nord, Susi  
 Russell, Trinka

**STRAFFORD**

Brown, Jennifer  
 DeChane, Marlene  
 Hilliard, Dana  
 Knowles, William  
 Rollo, Michael  
 Spang, Judith

Brown, Larry  
 Domingo, Baldwin  
 Hubbard, Pamela  
 Mickelonis, Shawn  
 Rous, Emma  
 Sprague, Dale

Burke, Rachel  
 Fargo, Thomas  
 Hutz, Sarah  
 Miller, Joseph  
 Schmidt, Peter  
 Wall, Janet

Cyr, James  
 Grassie, Anne  
 Kaen, Naida  
 Rollo, Deanna  
 Smith, Marjorie  
 Warren, Nancy

**SULLIVAN**

Cloutier, John  
 Gagnon, Raymond  
 Nielsen, Ellen

Converse, Larry  
 Gottling, Suzanne  
 Phinizy, James

Ferland, Brenda  
 Houde, Matthew  
 Skinder, Carla

Franklin, Peter  
 Jillette, Arthur Jr

**NAYS 155****BELKNAP**

Allen, Janet  
 Russell, David  
 Wendelboe, Fran

Boyce, Laurie  
 Thomas, John  
 Whalley, Michael

Clark, Charles  
 Tilton, Franklin  
 Wood, Jane

Nedeau, Stephen  
 Tobin, William

**CARROLL**

Ahlgren, Christopher  
 Martin, James

Brown, Carolyn  
 Merrow, Harry

Chandler, Gene  
 Patten, Betsey

Denley, William  
 Stevens, Stanley



**CHESHIRE**

Butynski, William	Hunt, John	Johnson, Jane	Pelkey, Stephen
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**COOS**

Remick, William	Tholl, John Jr
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**GRAFTON**

Bulis, Lyle	Dingman, Vernon III	Estes, Carole	Gionet, Edmond
Lovett, Sid	Sorg, Gregory		

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary
Day, Russell	Dokmo, Cynthia	Elliott, Nancy	Emerton, Larry
Fletcher, Richard	Forest, Armand	Gargas, Carolyn	Graham, John
Haefner, Robert	Hall, Betty	Hansen, Ryan	Harvey, Suzanne
Hawkins, Ken	Hinkle, Peyton	Hogan, Edith	Hunter, Bruce
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Messier, Irene	Mooney, Maureen	Moran, Edward	O'Connell, Timothy
Peterson, Andy	Pilote, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Shaw, Kimberly	Smith, David
Smith, Sandra	Soucy, Connie	Stepanek, Stephen	Sysyn, Mary
Tahir, Saghir	Uler, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Winters, Joel			

**MERRIMACK**

Anderson, Eric	Clarke, Claire	Hamm, Christine	Hess, David
Humphries, Charlie	Kjellman, Eleanor Glynn	Lockwood, Priscilla	MacKay, James
Reed, Dennis	Tilton, Joy		

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert
Emiro, Frank	Fesh, Bob	Flanders, John Sr	Garcia, Marilinda
Garritty, James	Gleason, John	Griffin, Mary	Guthrie, Joseph
Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Itse, Daniel	Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	McCarthy, Linda	McKinney, Betsy
McMahon, Charles	Nowe, Ronald	Packard, Sherman	Priestley, Anne
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reagan, John
Sanders, Elisabeth	Snow, Richard	Stiles, Nancy	Waterhouse, Kevin
Weare, Everett	Welch, David	Wells, Roger	Weyler, Kenneth
Wickson, Rick	Winchell, George		

**STRAFFORD**

Berube, Roger	Brown, George	Brown, Julie	Hofemann, Roland
Watson, Robert			

**SULLIVAN**

Donovan, Thomas	Rodeschin, Beverly
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and the motion failed lacking the necessary three-fifths vote.

Rep. Emerson did not vote and notified the Clerk that she wished to be recorded in favor.

The question now being adoption of the majority committee report of Inexpedient to Legislate.

Reps. Baldasaro, Nancy Elliott, Itse, Robert Elliott and David Smith spoke against.

Reps. Boyce and DiFruscia spoke against and yielded to questions.

Reps. Lasky, Claudia Chase and Estes spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

**YEAS 233 NAYS 124****YEAS 233****BELKNAP**

Arsenault, Beth  
Reever, Judith

Millham, Alida  
Wood, Jane

Morrison, Gail

Pilliod, James

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward  
Martin, James

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Parkhurst, Henry  
Sad, Tara

Burridge, Delmar  
Chase, William  
Hunt, John  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Lerandeau, Alfred  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Robertson, Timothy

**COOS**

Hatch, William  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

**GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Gionet, Edmond  
Matheson, Robert  
Pierce, David

Almy, Susan  
Cooney, Mary  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Andersen, Gene  
Estes, Carole  
Harding, A Laurie  
Mulholland, Catherine

Benn, Bernard  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Cote, David  
Edwards, Andrew  
Forest, Armand  
Ginsburg, Ruth  
Hall, Betty  
Holden, Randolph  
Kaelin, Michael  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
Messier, Irene  
O'Neil, James  
Schulze, Joan  
Smith, Sandra  
Sysyn, Mary

Beaulieu, Jane  
Campbell, David  
Daler, Jennifer  
Essex, David  
Francoeur, Bea  
Goley, Jeffrey  
Hammond, Jill  
Hunter, Bruce  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
Movsesian, Lori  
Peterson, Andy  
Shattuck, Gilman  
Spratt, Stephen  
Vaillancourt, Steve

Beck, Catriona  
Chase, Claudia  
Dokmo, Cynthia  
Farley, Michael  
Gargasz, Carolyn  
Gorman, Mary  
Harvey, Suzanne  
Irwin, Anne-Marie  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Reuschel, Michael  
Shaw, Barbara  
Sullivan, Daniel  
Winters, Joel

Bergin, Peter  
Clemons, Jane  
Drisko, Richard  
Fontas, Jeffrey  
Garrity, Patrick  
Hackel, Paul  
Hebert, Roger  
Jean, Claudette  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily  
O'Connell, Timothy  
Rosenwald, Cindy  
Shaw, Kimberly  
Sullivan, Francis

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
DeStefano, Stephen  
Gile, Mary  
Kidder, David  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Beauchesne, Suzanne  
Brueggemann, Donald  
Ehlers, Eileen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reed, Dennis  
Tilton, Joy  
Webb, Leigh

Blanchard, Elizabeth  
Clarke, Claire  
Foose, Robert  
Hamm, Christine  
Lockwood, Priscilla  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Bouchard, Candace  
Davis, Frank  
French, Barbara  
Kelly, Sally  
MacKay, James  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

**ROCKINGHAM**

Abbott, Dennis	Borden, David	Brown, C. Pennington	Casey, Kimberley
Day, Judith	Flanders, John Sr	Flockhart, Eileen	Gould, Kenneth
Grote, Otto	Henson, John	Howard, Doreen	Ingram, Russell
Johnson, Robert	Kelley, Jane	Kennedy, James	Kepner, Susan
Lister, Charlotte	Marsh, Michael	McCarthy, Linda	McEachern, Paul
McGuirk, Thomas	McKenna, Daniel	Moody, Marcia	Moore, Bennett
Nord, Susi	Pantelakos, Laura	Powers, James	Robertson, Carl
Russell, Trinka	Serlin, Christopher	Snow, Richard	Splaine, James
Wells, Roger			

**STRAFFORD**

Billian, Deborah	Brown, George	Brown, Jennifer	Brown, Larry
Browne, Brendon	Burke, Rachel	Cyr, James	DeChane, Marlene
Domingo, Baldwin	Fargo, Thomas	Grassie, Anne	Hilliard, Dana
Hubbard, Pamela	Hutz, Sarah	Kaen, Naida	Knowles, William
Mickelonis, Shawn	Miller, Joseph	Rollo, Deanna	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Sprague, Dale	Vachon, Dennis	Wall, Janet	Warren, Nancy
Watson, Robert			

**SULLIVAN**

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr
Nielsen, Ellen	Phinizy, James	Skinder, Carla	

**NAYS 124****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Nedeau, Stephen
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Merrow, Harry	Patten, Betsey	Stevens, Stanley	

**CHESHIRE**

Emerson, Susan	Johnson, Jane	Pelkey, Stephen
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**COOS**

Remick, William	Tholl, John Jr
-----------------	----------------

**GRAFTON**

Bulis, Lyle	Dingman, Vernon III	Ingbretson, Paul	Solomon, Peter
Sorg, Gregory			

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary
Day, Russell	Elliott, Nancy	Emerton, Larry	Fletcher, Richard
Graham, John	Haefner, Robert	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Lessard, Rudy
Manney, Pamela	McRae, Karen	Mooney, Maureen	Moran, Edward
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Simon, Anthony	Smith, David	Soucy, Connie
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice

**MERRIMACK**

Anderson, Eric

Hess, David

Humphries, Charlie

**ROCKINGHAM**

Allen, Mary

Baldasaro, Alfred

Bedrick, Jason

Belanger, Ronald

Bettencourt, David

Bishop, Franklin

Buxton, Donald

Camm, Kevin

Carson, Sharon

Case, Frank

Charron, Gene

Dalrymple, David

Devine, James

DiFruscia, Anthony

Dumaine, Dudley

Emiro, Frank

Fesh, Bob

Garcia, Marilinda

Garrrity, James

Gleason, John

Griffin, Mary

Guthrie, Joseph

Headd, James

Hopfgarten, Paul

Hutchinson, Karen

Introne, Robert

Itse, Daniel

Kappler, Lawrence

Katsakiores, George

Katsakiores, Phyllis

Lund, Howie

Major, Norman

McKinney, Betsy

McMahon, Charles

Nowe, Ronald

Packard, Sherman

Priestley, Anne

Quandt, Marshall

Quandt, Matthew

Rausch, James

Reagan, John

Sanders, Elisabeth

Stiles, Nancy

Waterhouse, Kevin

Weare, Everett

Welch, David

Weyler, Kenneth

Wickson, Rick

Winchell, George

**STRAFFORD**

Berube, Roger

Brown, Julie

Hofemann, Roland

**SULLIVAN**

Donovan, Thomas

Rodeschin, Beverly

and the majority committee report was adopted.

**(Rep. Foster in the Chair)****MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. MacKay moved that the House reconsider its action whereby it adopted the majority committee report of Inexpedient to Legislate on **HB 774-FN**, relative to the use of marijuana for medicinal purposes.

Reps. MacKay, Wallner and Whalley spoke against.

Reps. Trinka Russell and Scott Merrick spoke in favor.

On a division vote, 167 members having voted in the affirmative and 190 in the negative, the motion failed.

**REGULAR CALENDAR (CONT'D)**

**CACR 15**, relating to citizen review retention elections for judges. Providing that a judge shall be subject to a citizen review retention election at the biennial election next occurring after he or she has served for 2 years and subsequently at regular intervals which depend on the court in which the judge serves. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Peter S. Espieffs for the Majority of Judiciary: CACR 15 is a proposal to amend the Constitution (Art. 35 and Art. 73) that would add another requirement, called a citizen retention election, which every New Hampshire judge would have to periodically undergo to keep his or her judicial appointment alive. For instance, the proposed amendment would require a NH Supreme Court Justice appointed in April 2007 to undergo a statewide election at the time of the first biennial election after two (2) years of judicial service. This would have the judge on the ballot in the 2010 biennial elections. Thereafter, if he survived that election he would then be required to undergo further citizen retention elections every six (6) years. These judicial elections would be virtually closed to any active public participation by the so-called candidate-judge because a judge cannot publicly comment on or respond to issues involving the merits or demerits of his or her rulings and decisions. This CACR would force judges to compromise their independence and their commitment to the rule of law, in exchange for the security of continued reelections. This proposal also creates a shorter political leash for Supreme Court judges who would face elections every 6 years, while District Court judges would face elections every 10 years and all other judges every 8 years. Our judges are already subject to several processes that oversee their competence and good behavior. They are subject to regular Performance Reviews. Complaints of misconduct are heard

by the Judicial Conduct Committee. The impeachment process under Articles 17 and 38 of the Constitution allow for prosecution and removal on charges of bribery, corruption, malpractice and maladministration. Finally, under Art. 73 a judge may be removed by the Governor and Council for reasonable cause upon the Address of both Houses. The majority believes that our judges are not out of control, and need no further oversight in performing their duties. Vote 13-4.

Rep. Maureen C. Mooney for the Minority of Judiciary: CACR 15 proposes a mechanism by which a judge can be removed by citizen review. Every state except for 3 (MA, RI, NH) has some form of direct review by citizens either through elections, a reappointment process (terms), or retention elections. This CACR creates Citizen Review Retention elections to allow citizens a public review of their judiciary in a fair process where the judge is only running against himself/herself and his/her own performance. The sponsor of the amendment believes the people of New Hampshire deserve the same right of public review of the Judiciary that citizens in other states presently enjoy. Rep. Crane spoke against.

Rep. Espieffs spoke in favor and yielded to questions.

Rep. Crane requested a roll call; sufficiently seconded.

## YEAS 244 NAYS 89

### YEAS 244

#### BELKNAP

Arsenault, Beth	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Reever, Judith	Thomas, John	Tilton, Franklin	Whalley, Michael
Wood, Jane			

#### CARROLL

Bridgham, Robert	Brown, Carolyn	Buco, Thomas	Butler, Edward
Chandler, Gene	Cunningham, Howard	Heard, Virginia	Knox, J. David
Martin, James	Patten, Betsey		

#### CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espieffs, Peter	Hunt, John	Lerandeau, Alfred	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sad, Tara	Weber, Lucy	Weed, Charles

#### COOS

Hatch, William	Mears, Edgar	Merrick, Evalyn	Merrick, Scott
Tholl, John Jr	Thomas, Yvonne		

#### GRAFTON

Aguiar, James	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Estes, Carole	Friedrich, Carol	Hammond, Lee
Harding, A Laurie	Lovett, Sid	Matheson, Robert	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Pierce, David	Preston, Philip
Solomon, Peter			

#### HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Bergin, Peter
Brunelle, Michael	Chase, Claudia	Cote, David	Daler, Jennifer
Dokmo, Cynthia	Drisko, Richard	Edwards, Andrew	Emerton, Larry
Essex, David	Fletcher, Richard	Fontas, Jeffrey	Forest, Armand
Francoeur, Bea	Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Graham, John	Hackel, Paul
Hammond, Jill	Harvey, Suzanne	Hebert, Roger	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Kaelin, Michael	Kelley, John
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Kurk, Neal

Lasky, Bette  
 Lisle, Carolyn  
 Matarazzo, Anthony Sr  
 O'Connell, Timothy  
 Price, Pamela  
 Schulze, Joan  
 Simon, Anthony  
 Sysyn, Mary

Leishman, Peter  
 Mack, Ron  
 Mesa, Lily  
 O'Neil, James  
 Reuschel, Michael  
 Shattuck, Gilman  
 Spratt, Stephen  
 Winters, Joel

Levasseur, Nickolas  
 Marshall, Seth  
 Movesian, Lori  
 Peterson, Andy  
 Rosenwald, Cindy  
 Shaw, Barbara  
 Sullivan, Daniel

Levesque, Melanie  
 Martineau, Jesse  
 O'Brien, Michael Sr  
 Pilotte, Maurice  
 Rowe, Robert  
 Shaw, Kimberly  
 Sullivan, Francis

### MERRIMACK

Anderson, Eric  
 Brown, Carole  
 DeStefano, Stephen  
 Gile, Mary  
 Kelly, Sally  
 MacKay, James  
 Porter, Margaret  
 Ryan, Jim  
 Wallner, Mary  
 Yeaton, Charles

Beauchesne, Suzanne  
 Brueggemann, Donald  
 Ehlers, Eileen  
 Greco, Vincent  
 Kidder, David  
 McMahon, Patricia  
 Potter, Frances  
 Shurtleff, Stephen  
 Walz, Mary

Blanchard, Elizabeth  
 Clarke, Claire  
 Foose, Robert  
 Hamm, Christine  
 Kjellman, Eleanor Glynn  
 Osborne, Jessie  
 Reardon, Tara  
 Tilton, Joy  
 Webb, Leigh

Bouchard, Candace  
 Davis, Frank  
 French, Barbara  
 Hess, David  
 Lockwood, Priscilla  
 Owen, Derek  
 Richardson, Gary  
 Tupper, Frank  
 Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
 Case, Frank  
 Flanders, John Sr  
 Grote, Otto  
 Ingram, Russell  
 Kepner, Susan  
 McCarthy, Linda  
 Moody, Marcia  
 Robertson, Carl  
 Splaine, James  
 Wickson, Rick

Allen, Mary  
 Casey, Kimberley  
 Flockhart, Eileen  
 Guthrie, Joseph  
 Johnson, Robert  
 Lister, Charlotte  
 McEachern, Paul  
 Moore, Bennett  
 Russell, Trinka  
 Waterhouse, Kevin

Borden, David  
 Charron, Gene  
 Garrity, James  
 Henson, John  
 Kelley, Jane  
 Major, Norman  
 McGuirk, Thomas  
 Nord, Susi  
 Serlin, Christopher  
 Weare, Everett

Brown, C. Pennington  
 Day, Judith  
 Gould, Kenneth  
 Howard, Doreen  
 Kennedy, James  
 Marsh, Michael  
 McKenna, Daniel  
 Powers, James  
 Snow, Richard  
 Welch, David

### STRAFFORD

Berube, Roger  
 Brown, Larry  
 Domingo, Baldwin  
 Hofemann, Roland  
 Knowles, William  
 Rollo, Michael  
 Vachon, Dennis

Billian, Deborah  
 Browne, Brendon  
 Fargo, Thomas  
 Hubbard, Pamela  
 Mickelonis, Shawn  
 Schmidt, Peter  
 Wall, Janet

Brown, Jennifer  
 Cyr, James  
 Grassie, Anne  
 Hutz, Sarah  
 Miller, Joseph  
 Spang, Judith  
 Warren, Nancy

Brown, Julie  
 DeChane, Marlene  
 Hilliard, Dana  
 Kaen, Naida  
 Rollo, Deanna  
 Sprague, Dale

### SULLIVAN

Cloutier, John  
 Franklin, Peter  
 Jillette, Arthur Jr

Converse, Larry  
 Gagnon, Raymond  
 Nielsen, Ellen

Donovan, Thomas  
 Gottling, Suzanne  
 Phinizy, James

Ferland, Brenda  
 Houde, Matthew

### NAYS 89

#### BELKNAP

Allen, Janet  
 Tobin, William

Boyce, Laurie  
 Wendelboe, Fran

Clark, Charles

Russell, David

### CARROLL

Ahlgren, Christopher

Denley, William

Morrow, Harry

Stevens, Stanley

### CHESHIRE

Emerson, Susan

Johnson, Jane

**COOS**

Remick, William

**GRAFTON**Bulis, Lyle  
Sorg, Gregory

Dingman, Vernon III

Gionet, Edmond

Ingbretson, Paul

**HILLSBOROUGH**Barry, Richard  
Crane, Elenore Casey  
Haefner, Robert  
Hunter, Bruce  
Lawrence, James  
Mooney, Maureen  
Smith, David  
Ulery, JordanBatula, Peter  
Daniels, Gary  
Hansen, Ryan  
Infantine, William  
Lessard, Rudy  
Moran, Edward  
Soucy, Connie  
Vaillancourt, SteveBergeron, Jean-Guy  
Elliott, Nancy  
Hinkle, Peyton  
Jasper, Shawn  
Manney, Pamela  
Reeves, Sandra  
Stepanek, Stephen  
Villeneuve, MauriceChristiansen, Lars  
Farley, Michael  
Hogan, Edith  
L'Heureux, Robert  
McRae, Karen  
Renzullo, Andrew  
Tahir, Saghir**MERRIMACK**

Humphries, Charlie

Reed, Dennis

**ROCKINGHAM**Baldasaro, Alfred  
Buxton, Donald  
Devine, James  
Gleason, John  
Introne, Robert  
Katsakiores, Phyllis  
Nowe, Ronald  
Quandt, Matthew  
Stiles, NancyBedrick, Jason  
Camm, Kevin  
Dumaine, Dudley  
Griffin, Mary  
Itse, Daniel  
Lund, Howie  
Packard, Sherman  
Rausch, James  
Weyler, KennethBelanger, Ronald  
Carson, Sharon  
Emiro, Frank  
Headd, James  
Kappler, Lawrence  
McKinney, Betsy  
Priestley, Anne  
Reagan, John  
Winchell, GeorgeBettencourt, David  
Dalrymple, David  
Fesh, Bob  
Hopfgarten, Paul  
Katsakiores, George  
McMahon, Charles  
Quandt, Marshall  
Sanders, Elisabeth**STRAFFORD**

Watson, Robert

**SULLIVAN**

Rodeschin, Beverly

Skinder, Carla

and the majority committee report was adopted.

Rep. Coughlin declared a conflict of interest on *CACR 15* and did not participate.**HB 71**, excluding a municipality's list of owners of registered dogs from the right-to-know law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donald R. Buxton for the Majority of Judiciary: This legislation, as originally referred to the committee, would have removed the list of owners of registered dogs from the right-to-know law. The majority acknowledged the apprehension many experience in making any alterations, however slight, to the right-to-know law. Therefore, the bill was amended, taking the matter out of the right-to-know realm and placing it into the dog owner's statutes. The heart of the matter lies around dog lists being sold to advertisers who use the lists to market their product to customers who may not wish to be solicited. The majority believed that the list of owners of registered dogs did not constitute any public interest and that the privacy rights of dog owners was a prevailing concern. Vote 13-1.

Rep. Nancy J. Elliott for the Minority of Judiciary: This bill restricts our expectations of an open government. While the ability to see the dog lists is a small matter, the next item we restrict may not be. There does not appear to be a serious problem and this solution leads us down a slippery slope to a closed government.

**Majority Amendment (0573h)**

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting the sale, rent, lease, transfer, or distribution of records, information, or lists of licensed dog owners in New Hampshire to another person by the town clerk's office.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Lists of Licensed Dog Owners. Amend RSA 466 by inserting after section 1-c the following new section:

466:1-d Lists of Licensed Dog Owners.

I. Except as provided in paragraphs II and III, no dog registration records, information, or lists shall be sold, rented, transferred, or otherwise made available in whole or in part, in any form or format, directly or indirectly, to another person.

II. Dog registration records, information, or lists may be made available pursuant to a court order or in response to a request from the state, a political subdivision of the state, the federal government, or a law enforcement agency solely for use in official business. The request shall be on a case-by-case basis. Any information, record, or list received pursuant to this paragraph shall not be further transferred or otherwise made available to any other person or listed entity not authorized under this paragraph.

III. Without otherwise compromising the confidentiality of the files, nothing in this section shall prohibit a body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected, or to a person or agency attempting to provide for the welfare of an animal.

2 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill prohibits the sale, rent, lease, transfer or distribution in any manner of any records, information, or lists of licensed dog owners in New Hampshire to another person by the town clerk's office. Majority committee amendment adopted.

On a division vote, 263 members having voted in the affirmative and 68 in the negative, the majority committee report was adopted.

Ordered to third reading.

**HB 83**, relative to the deliberations of certain state agencies under the right-to-know law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for the Majority of Judiciary: The Board of Tax and Land Appeals has historically been exempt from the Right-to-Know Law when it conducts deliberations. This bill preserves that exemption. The BTLA conducts its hearings in public, but needs to be able to deliberate and write extensive opinions similar to those of court of law with multiple drafts. Requiring the BTLA to conduct deliberations in public would significantly interfere with its proceedings. Vote 15-5.

Rep. Robert H. Rowe for the Minority of Judiciary: In New Hampshire, we have over 60 administrative agencies which act as judge and jury deciding citizen's disputes. The members of these boards and agencies are both paid and unpaid appointees. Plus we have hundreds of city and town zoning boards which also act as quasi judicial boards in deliberating and deciding matters. This bill is one of a series proposed by agencies to exempt them from the Right to Know Act. HB 83 authorizes the Board of Land and Tax Appeals to deliberate and decide matters in private. They requested this bill but gave no reason for the exemption except that it would be more difficult for them to deliberate in public. Certainly secrecy in government is quick, efficient and easy; open government is more difficult and possibly costly but it is the public's business and the public has the right to see and hear its government at work. The minority believes that the Right to Know law should not be weakened without valid reasons and we should not continually pick away at the Right to Know law agency by agency. Complying with the Right to Know law is more important than the convenience of governmental boards and agencies.

### Majority Amendment (0953h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the deliberations of the board of tax and land appeals under the right-to-know law.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Board of Tax and Land Appeals; Board Meetings. Amend RSA 71-B by inserting after section 7-a the following new section:

71-B:7-b Board Meetings. The board's deliberative processes in adjudicatory proceedings held pursuant to RSA 541-A shall be privileged and exempt from the public meeting, notice, and dis-



closure provisions of RSA 91-A. Decisions and orders in adjudicatory proceedings shall be publicly available, but only after they have been reduced to writing, signed by a quorum of the board, and served upon the parties. Discussions and actions by the board concerning procedural, administrative, legal, and internal matters shall be exempt from the meeting and notice provisions of RSA 91-A:2.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill clarifies certain exemptions of the board of tax and land appeals under the right-to-know law.

Rep. Gary Richardson spoke against.

Majority committee amendment failed.

Rep. Rowe offered floor amendment (0987h)

#### Floor Amendment (0987h)

Amend RSA 71-B:7-b as inserted by section 1 of the bill by replacing it with the following:

71-B:7-b Board Meetings. The board's deliberative processes in adjudicatory proceedings held pursuant to RSA 541-A shall be exempt from the public meeting and notice provisions of RSA 91-A. Decisions and orders in adjudicatory proceedings shall be publicly available, but only after they have been reduced to writing, signed by a quorum of the board, and served upon the parties. The board shall maintain a stenographic record or recording of all deliberative processes. The stenographic record or recording of the deliberative processes shall be made available in accordance with the provisions of RSA 91-A, upon request, within 5 business days after a decision or order has been served upon the parties. Discussions and actions by the board concerning procedural, administrative, legal, and internal matters shall be exempt from the meeting and notice provisions of RSA 91-A:2.

Reps. Rowe and Gary Richardson spoke in favor.

Floor amendment (0987h) was adopted.

Majority committee report adopted and ordered to third reading.

Rep. Baldasaro declared a conflict of interest on **HB 83** and did not participate.

**HB 210**, establishing a committee to study the effects of rescinding the charter of the New Hampshire Bar Association, and relative to the regulation of attorneys by the supreme court. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lucy M. Weber for the Majority of Judiciary: There was sympathy on the part of the committee with the goal of making membership in the New Hampshire Bar Association optional. However, in 2004, the NH Supreme Court held, in Petition of NH Bar Association, that under Part 1, Article 37 of the NH Constitution, the judicial branch of government retains ultimate authority to regulate the practice of law, and in that exercise of authority it is necessarily permitted to determine whether certification of the Bar is advantageous. Any attempt by the legislature to regulate in this area will undoubtedly result in further expensive litigation. Moreover, testimony revealed that the current system works well, on the whole, to regulate the practice of law. The majority therefore believes the establishment of a study committee is unnecessary and would be a waste of resources. Vote 11-7.

Rep. Nancy J. Elliott for the Minority of Judiciary: This bill, in addition to establishing a committee to study the effects of rescinding the charter granted by the legislature in 1873 to the New Hampshire Bar Association and the subsequent incorporation of a voluntary membership organization, does the following: establishes the authority and procedures for the regulation of attorneys by the Supreme Court and removes from current law all references to the New Hampshire Bar Association and its mandatory membership as a requirement to practice law or hold state appointed positions in RSA 494:1, RSA 363:1, RSA 604-B:2X. It further deletes the contract approval requirement by the Board of Governors of the New Hampshire Bar Association for the public defender program, and replaces with the words "State Bar" all previous references to the New Hampshire Bar Association. Majority committee report adopted.

**HB 235**, relative to the recognition of out-of-state marriages. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bette R. Lasky for the Majority of Judiciary: This bill, as amended, was written to provide that any marriage legally contracted and valid outside of New Hampshire be recognized as valid in this state. The majority believes this bill now does just that and affords legally married people the rights accorded to any married couple. Vote 10-8.

Rep. Nancy J. Elliott for the Minority of Judiciary: It is the position of the minority that this bill allows same sex couples to go out of state and marry and then have those marriages recognized in this state. This bill would also allow polygamous marriages from other countries to be recognized in this state, thus lowering the status of women and children. The minority feels that we should not go in this direction.

### **Majority Amendment (0969h)**

Amend the bill by replacing section 1 with the following:

1 Effect of Marriage; Recognition of Out-of-State Marriages. RSA 457:3 is repealed and reenacted to read as follows:

457:3 Effect of Marriage; Recognition of Out-of-State Marriages. Every marriage legally contracted outside of New Hampshire shall be recognized as valid in this state.

### **AMENDED ANALYSIS**

This bill provides that any marriage legally contracted outside of this state shall be recognized as valid in this state.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Reps. Garcia and Sorg spoke against.

Reps. Rowe and Lasky yielded to questions.

Reps. Pierce and Shurtleff spoke in favor.

Rep. DeChane moved the previous question.

On a division vote, 179 members having voted in the affirmative and 131 in the negative, the motion to limit debate was adopted.

### **PROTEST**

Under Article 24, Part 2 of the constitution, I protest these kinds of tactics which shut off debate especially when some controversy seems to have been engendered.

Rep. Vaillancourt

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Dumaine requested a roll call; sufficiently seconded.

### **YEAS 169 NAYS 171**

#### **YEAS 169**

#### **BELKNAP**

Morrison, Gail

Pilliod, James

Reever, Judith

#### **CARROLL**

Bridgham, Robert

Buco, Thomas

Butler, Edward

Heard, Virginia

#### **CHESHIRE**

Allen, Peter

Burridge, Delmar

Butcher, Suzanne

Butterworth, Timothy

Chase, William

Eaton, Daniel

Espiefs, Peter

Mitchell, Bonnie

Parkhurst, Henry

Richardson, Barbara

Robertson, Timothy

Sad, Tara

Weber, Lucy

Weed, Charles

#### **COOS**

Mears, Edgar

Merrick, Evalyn

Merrick, Scott

Theberge, Robert

#### **GRAFTON**

Almy, Susan

Andersen, Gene

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Estes, Carole

Friedrich, Carol

Hammond, Lee

Harding, A Laurie

Matheson, Robert

McLeod, Martha

Mulholland, Catherine

Nordgren, Sharon

Pierce, David

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Daler, Jennifer  
Fontas, Jeffrey  
Gorman, Mary  
Hebert, Roger  
Knowles, Mary Ann  
Levasseur, Nickolas  
Marshall, Seth  
Movsesian, Lori  
Shaw, Barbara  
Sysyn, Mary

Beaulieu, Jane  
Chase, Claudia  
Edwards, Andrew  
Garrity, Patrick  
Hackel, Paul  
Irwin, Anne-Marie  
Kopka, Angeline  
Levesque, Melanie  
Martineau, Jesse  
O'Brien, Michael Sr  
Shaw, Kimberly  
Vaillancourt, Steve

Beck, Catriona  
Clemons, Jane  
Essex, David  
Ginsburg, Ruth  
Hammond, Jill  
Kaelin, Michael  
Lasky, Bette  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
Reuschel, Michael  
Spratt, Stephen

Brunelle, Michael  
Cote, David  
Farley, Michael  
Goley, Jeffrey  
Harvey, Suzanne  
Knowles, John  
Leishman, Peter  
Mack, Ron  
Mesa, Lily  
Shattuck, Gilman  
Sullivan, Francis

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
French, Barbara  
Kelly, Sally  
Owen, Derek  
Richardson, Gary  
Wallner, Mary

Beauchesne, Suzanne  
Davis, Frank  
Gile, Mary  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Walz, Mary

Bouchard, Candace  
Ehlers, Eileen  
Greco, Vincent  
Lockwood, Priscilla  
Potter, Frances  
Shurtleff, Stephen  
Wheeler, Deborah

Brown, Carole  
Foose, Robert  
Hamm, Christine  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Yeaton, Charles

**ROCKINGHAM**

Borden, David  
Grote, Otto  
Kelley, Jane  
McCarthy, Linda  
Moore, Bennett  
Powers, James  
Splaine, James

Day, Judith  
Henson, John  
Kennedy, James  
McEachern, Paul  
Nord, Susi  
Russell, Trinka

Flockhart, Eileen  
Howard, Doreen  
Kepner, Susan  
McKenna, Daniel  
Norelli, Terie  
Serlin, Christopher

Gould, Kenneth  
Johnson, Robert  
Marsh, Michael  
Moody, Marcia  
Pantelakos, Laura  
Snow, Richard

**STRAFFORD**

Billian, Deborah  
Browne, Brendon  
Domingo, Baldwin  
Hutz, Sarah  
Rollo, Deanna  
Spang, Judith

Brown, Jennifer  
Burke, Rachel  
Grassie, Anne  
Kaen, Naida  
Rollo, Michael  
Vachon, Dennis

Brown, Julie  
Cyr, James  
Hilliard, Dana  
Mickelonis, Shawn  
Rous, Emma  
Wall, Janet

Brown, Larry  
DeChane, Marlene  
Hubbard, Pamela  
Miller, Joseph  
Smith, Marjorie

**SULLIVAN**

Cloutier, John  
Houde, Matthew

Converse, Larry  
Jillette, Arthur Jr

Franklin, Peter  
Nielsen, Ellen

Gottling, Suzanne  
Skinder, Carla

**NAYS 171****BELKNAP**

Allen, Janet  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Thomas, John  
Whalley, Michael

Clark, Charles  
Tilton, Franklin

Nedeau, Stephen  
Tobin, William

**CARROLL**

Ahlgren, Christopher  
Denley, William  
Patten, Betsey

Brown, Carolyn  
Knox, J. David  
Stevens, Stanley

Chandler, Gene  
Martin, James

Cunningham, Howard  
Morrow, Harry

**CHESHIRE**

Butynski, William  
Johnson, Jane

Dunn, J. Timothy  
Lerandeau, Alfred

Emerson, Susan  
Pelkey, Stephen

Hunt, John  
Roberts, Kris

**COOS**

Hatch, William	Remick, William	Tholl, John Jr	Thomas, Yvonne
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**GRAFTON**

Aguiar, James	Bulis, Lyle	Dingman, Vernon III	Gionet, Edmond
Ingbreton, Paul	Lovett, Sid	Preston, Philip	Solomon, Peter

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Forest, Armand	Francoeur, Bea	Gargas, Carolyn	Graham, John
Haefner, Robert	Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton
Hogan, Edith	Holden, Randolph	Hunter, Bruce	Infantine, William
Jasper, Shawn	Kelley, John	Kurk, Neal	L'Heureux, Robert
Lessard, Rudy	Long, Patrick	Manney, Pamela	McRae, Karen
Mooney, Maureen	Moran, Edward	O'Connell, Timothy	O'Neil, James
Peterson, Andy	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Schulze, Joan	Simon, Anthony
Smith, David	Soucy, Connie	Stepanek, Stephen	Sullivan, Daniel
Uly, Jordan	Villeneuve, Maurice	Winters, Joel	

**MERRIMACK**

Anderson, Eric	Blanchard, Elizabeth	DeStefano, Stephen	Hager, Elizabeth
Hess, David	Humphries, Charlie	Kidder, David	MacKay, James
Reed, Dennis	Tupper, Frank	Webb, Leigh	

**ROCKINGHAM**

Abbott, Dennis	Allen, Mary	Baldasaro, Alfred	Bedrick, Jason
Belanger, Ronald	Bettencourt, David	Bishop, Franklin	Brown, C. Pennington
Buxton, Donald	Camm, Kevin	Carson, Sharon	Case, Frank
Casey, Kimberley	Charron, Gene	Dalrymple, David	Devine, James
DiFruscia, Anthony	Dumaine, Dudley	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Gleason, John
Griffin, Mary	Guthrie, Joseph	Headd, James	Hopfgarten, Paul
Ingram, Russell	Introne, Robert	Itse, Daniel	Kappler, Lawrence
Katsakiores, George	Katsakiores, Phyllis	Lister, Charlotte	Lund, Howie
Major, Norman	McGuirk, Thomas	McKinney, Betsy	McMahon, Charles
Nowe, Ronald	Packard, Sherman	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reagan, John	Robertson, Carl
Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin	Weare, Everett
Welch, David	Weyler, Kenneth	Wickson, Rick	Winchell, George

**STRAFFORD**

Berube, Roger	Brown, George	Fargo, Thomas	Hofemann, Roland
Schmidt, Peter	Sprague, Dale	Watson, Robert	

**SULLIVAN**

Donovan, Thomas	Ferland, Brenda	Gagnon, Raymond	Phinzy, James
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Rodeschin, Beverly  
and the majority committee report failed.

Rep. Mooney moved Inexpedient to Legislate and spoke in favor.

**MOTION TO LAY ON THE TABLE**

Rep. Hunt moved that **HB 235**, relative to the recognition of out-of-state marriages, be laid on the table. On a division vote, 149 members having voted in the affirmative and 193 in the negative, the motion failed.

The question now being adoption of the motion of Inexpedient to Legislate.

Rep. DeChane moved Recommit.

Rep. Lasky spoke in favor.

Motion adopted.

Recommitted to the Committee on Judiciary.

**(Speaker Norelli in the Chair)**

**REGULAR CALENDAR (CONT'D)**

**HB 377-FN-L**, relative to the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maureen C. Mooney for Judiciary: This bill with amendment completes the long awaited updates to the Right to Know law contained in RSA 91-A. The bill reflects the new types of communications created by advancements in technology, such as the internet and conference call telephone systems. The update was the product of a three-year study by a commission formed by the legislature to revise RSA 91-A. Additionally the bill prohibits communications outside of a public body meeting among the quorum of the membership and sequential communications. All parties agreed that it was essential to make the changes provided in HB 377 as amended. Vote 19-0.

**Amendment (0933h)**

Amend RSA 91-A:2, II as inserted by section 4 of the bill by replacing it with the following:

II. ~~[All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies.]~~ ***Subject to the provisions of RSA 91-A:3, all meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public.*** Except for town meetings, school district meetings, and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras, and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the ***public*** bodies ~~[or agencies]~~, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection ~~[within 144 hours of]~~ ***not more than 5 business days after*** the ~~[public]~~ meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any ***public*** body ~~[or agency]~~, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places, ***one of which may be the public body's Internet website, if such exists,*** or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the ***public*** body ~~[or agency]~~, who shall ***post a notice of the time and place of such meeting as soon as practicable, and shall*** employ whatever ***further*** means are ***reasonably*** available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city ***or town*** or guidelines or rules of order of any ***public*** body ~~[or agency described in RSA 91-A:1-a]~~ require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter. ***For the purposes of this paragraph, a business day means the hours 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays.***

**91-A:2-a Communications Outside Meetings.**

***I. Any communications, in whatever form, outside of a public meeting among the members of a quorum of the membership of a public body which bear upon matters over which such body has supervision, control, jurisdiction, or advisory power are prohibited and in violation of the provisions of RSA 91-A.***

***II. Sequential communications among a quorum of elected or appointed members of a public body, are considered communications under paragraph I and are prohibited and shall not be used to circumvent the spirit and purpose of RSA 91-A.***

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Joint Committee on Legislative Facilities; Minutes. Amend RSA 17-E:6 to read as follows: 17-E:6 Committee Records. A record of the minutes of committee and subcommittee meetings shall be available to the public and shall be maintained in accordance with the provisions of RSA 91-A:2, II. The minutes shall include the names of members in attendance and of persons appearing before the committee, and a brief description of the subjects discussed, votes taken, and final dispositions of all actions. The minutes shall be available and open to public inspection ~~[within 144 hours of]~~ ***not more than 5 business days after*** the meeting. The record of the minutes of the joint committee on legislative facilities and the house and senate subcommittees shall be available at the office of legislative accounting. ***For the purposes of this section, a business day means the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays.***

Reps. Jasper, Kurk and Dokmo spoke against.

Rep. Mooney spoke in favor.

On a division vote, 100 members having voted in the affirmative and 177 in the negative, the committee amendment failed.

Motion of Ought to Pass adopted.

Ordered to third reading.

**HB 401-FN**, relative to the removal of certain property tax abatement petitions filed with the superior court. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Rowe for Judiciary: Under current law, when a citizen appeals his or her municipal real estate tax, he or she has the statutory right to make the appeal either to the superior court or to the Board of Tax and Land Appeals. This bill would eliminate the appeal to the superior court unless the taxable value in controversy is more than \$500,000. The committee is sympathetic to the fact that the Board of Land and Tax Appeals is being subject to an ever increasing volume of cases, and thus to the laudable goal of the sponsor. Nonetheless, the committee felt that it was important to preserve this statutory right for citizens from lower property value communities and of more modest means. Vote 18-0.

Committee report adopted.

**HB 421**, relative to the right to a jury trial. **INEXPEDIENT TO LEGISLATE.**

Rep. Bette R. Lasky for Judiciary: The language and the intention of this bill is unclear and the constitution already provides more than adequate protection of the right to a trial by jury. Vote 15-0.

Committee report adopted.

**HB 430**, establishing a committee to study a constitutional amendment to guarantee a right to personal privacy. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony R. DiFruscia for Judiciary: The right to personal privacy is important. Some committee members believed that the Constitution already addressed the issue while other members fear that the RSA was a more appropriate method to address privacy issues. A study is unnecessary. Common law of New Hampshire recognizes the importance of privacy and courts have upheld the right to privacy. RSA 644:9 makes it a crime to invade a person's privacy. Vote 11-5.

Committee report adopted.

## SUSPENSION OF RULES

Reps. Wallner and Whalley move that the Rules be so far suspended as to allow the last day to act on all House bills not in a second committee, with the exception of budgets, to be extended to April 4, 2007 and to allow the reporting after the deadline of Noon on April 5th of all remaining House bills requiring action in the first year session.

Adopted by the necessary two-thirds.

## SPECIAL ORDERED

Without objection, the Speaker ordered the remainder of the bills on today's calendar to be made Special Orders for the next session day in their Regular Calendar order.

## RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third read-

ing be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 4, 2007 at 10:00 a.m.  
Adopted.

### LATE SESSION

#### Third reading and final passage

**(Clerk's Note: Includes bills from March 27 and March 28)**

- HB 304**, relative to the criteria under which guardianship over a minor is granted.  
**HB 406**, relative to access to state child support enforcement records.  
**HB 410**, establishing a commission on child support issues.  
**HB 444**, relative to parental rights in abuse and neglect cases.  
**HB 463**, relative to the awarding parental rights and responsibilities to a stepparent or grandparent.  
**HB 470**, relative to the determination of parental rights and responsibilities.  
**HB 495-FN**, relative to criminal record and central registry checks of prospective foster and adoptive parents and relative to the custody of a child placed by the court in a delinquency proceeding or a proceeding for a child in need of services (CHINS).  
**HB 602-FN**, relative to child support enforcement.  
**HB 827-FN**, relative to the reasonable cost of medical support for dependent children.  
**HB 867-FN-L**, relative to parent liability for court-ordered services in juvenile proceedings.  
**HB 298**, relative to the healthy kids corporation.  
**HB 513**, establishing a housing commission.  
**HB 536**, relative to the regulation of martial arts schools.  
**HB 549**, relative to accepting a purchase and sale agreement on developed waterfront property.  
**HB 636-FN**, relative to physician credentialing under the managed care law.  
**HB 782-FN**, relative to reinsurance intermediaries and conduct of examinations.  
**HB 889-FN**, relative to securities regulation.  
**HB 921-FN**, making technical changes in the insurance laws.  
**HB 64-FN**, relative to driving a commercial motor vehicle while violating an out-of-service order.  
**HB 309**, relative to the uniform fine schedule for the fish and game department.  
**HB 395-FN**, relative to penalties for computer crime.  
**HB 446**, relative to criminal threatening in a safe school zone.  
**HB 504-FN**, relative to registration requirements for certain criminal offenders under age 21.  
**HB 539-FN**, relative to manslaughter.  
**HB 587-FN**, relative to the duties of probation and parole officers.  
**HB 703**, relative to day reporting programs in the county department of corrections.  
**HB 707**, relative to the time frames for hearings in domestic violence cases.  
**HB 719**, relative to the statute of limitations for fire code violations.  
**HB 743**, relative to the rights of crime victims while making a victim impact statement.  
**HB 205**, relative to procedures for certain court ordered out-of-district placements.  
**HB 701**, relative to the definition of a school district in the case of unincorporated towns or unorganized places.  
**HB 822**, relative to enrollment of students in regional vocational schools.  
**HB 914-L**, establishing a committee to study issues related to cooperative school districts.  
**HB 272**, relative to presidential primary elections.  
**HB 344**, relative to conduct of recounts.  
**HB 534**, relative to political committees of political parties.  
**HB 608-FN**, relative to the number of ballots furnished by the secretary of state for a state general election.  
**HB 735**, relative to the form of the presidential primary election ballot.  
**HB 206**, relative to the disclosure of certain livestock health information and relative to voluntary registration of livestock and agricultural premises.  
**HB 243**, relative to a rabies immunization exemption.  
**HB 251**, relative to the authority of the agricultural advisory board.  
**HB 672**, establishing a commission to study requirements for safe and secure landfills.

**HB 859**, relative to the definitions of agriculture and farming in the motor vehicle laws.

**HB 312-FN**, relative to alternative providers for certain health services.

**HB 338**, requiring the plumbers' board to report on the feasibility of reestablishing reciprocity with neighboring states in licensing of plumbers.

**HB 568-FN**, repealing the option to purchase nonqualified service credit in the New Hampshire retirement system.

**HB 629-FN**, relative to authorizing continued membership in the Manchester employees' contributory retirement system, and relative to the Nashua public works retirement system.

**HB 652-FN**, relative to the collection of debts owed to the state.

**HB 673**, allowing advanced registered nurse practitioners to certify walking disabilities.

**HB 718-FN**, establishing a committee to study the cost, quality, accountability and oversight standards used by the state when contacting with private entities for delivery of public services.

**HB 733-FN**, relative to certain authority and procedures of the department of revenue administration.

**HB 749**, changing the position of forensic toxicologist within the department of safety from an unclassified to a classified position.

**HB 876-FN-L**, establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system.

**HB 895-FN**, relative to licensure of court reporters.

**HB 451-FN**, relative to the application of non-state sources of funding to catastrophic special education costs.

**HB 134**, relative to electronic prescribing for prescription drugs.

**HB 491**, establishing a public health improvement services council.

**HB 688**, establishing the council on the relationship between public health and the environment.

**HB 727-FN**, establishing a commission to study health insurance coverage in the construction industry.

**HB 926-FN**, relative to the regulation of pharmacies and pharmacists.

**HB 244**, repealing a certain provision of law regarding advance directives and mentally incompetent or developmentally disabled persons.

**HB 303**, allowing Sunday dancing and repealing the prohibition on transporting moving picture films aboard passenger train cars.

**HB 394-FN**, relative to notice to defendants in small claims actions.

**HB 336**, requiring notice of the classifications of employee and independent contractor.

**HB 533**, relative to Occupational Safety and Health Administration certification requirements for state contracts.

**HB 611**, relative to payment of wages by automated pay card or cash voucher.

**HB 833**, establishing a committee to study the outsourcing of jobs involving state contracts.

**HB 523**, relative to lobbyist registration and statements, and regulation of volunteer public service.

**HB 715**, establishing a committee to study the state heritage collections committee and the joint legislative historical committee.

**HB 379**, relative to the adoption, revision, and amendment of municipal charters.

**HB 380**, relative to the forms of government under town charters.

**HB 393**, relative to information filed by utilities paying the utility property tax.

**HB 551**, allowing cities to use capital reserve funds for debt replacement.

**HB 566-FN-L**, relative to the housing of inmates in county correctional facilities.

**HB 649**, relative to the disposition of real estate given, devised, or bequeathed to a town for charitable or community purposes.

**HB 692**, allowing certain municipalities in economically depressed counties to adopt a property tax exemption for industrial construction.

**HB 709**, making various changes to department of revenue administration authority concerning property tax administration.

**HB 803**, relative to the sale of tax-deeded property.

**HB 731**, relative to the use of vehicle information or location tracked by an electronic toll collection system.

**HB 219**, relative to the membership of the wetlands council.

**HB 319**, relative to emergency permits for projects funded through the Emergency Watershed Protection Program.



- HB 383**, relative to waterfront buffer and woodland buffer requirements in the comprehensive shoreland protection act.
- HB 459**, relative to the identification of wells and monitoring wells.
- HB 648**, establishing a commission to develop a comprehensive flood management plan.
- HB 665-FN**, relative to the comprehensive shoreland protection act.
- HB 722**, relative to the rivers management protection program.
- HB 813-FN**, expanding the definition of income of the land conservation investment program monitoring endowment.
- HB 857-FN-L**, relative to permitting responsibilities under the comprehensive shoreland protection act.
- HB 903-FN**, prohibiting delivery of oil to non-compliant underground storage facilities.
- HB 447**, relative to net energy metering.
- HB 694**, establishing a commission to study the feasibility of tidal power generation under the Little Bay and General Sullivan Bridges, in Dover.
- HB 917**, relative to the duties of the oversight committee on telecommunications.
- HCR 8**, urging Congress to rename the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital.
- HJR 1**, urging that more veterans' mental health counseling centers be established in New Hampshire and urging that funding be continued for the Manchester Veterans' Center.
- HB 188**, excluding certain watercraft from the definition of ski craft.
- HB 247**, allowing surviving spouses to retain temporarily special number plates for veterans.
- HB 301**, relative to nonresident registration of motor vehicles.
- HB 311**, establishing a committee to review liability issues for commuter rail operations.
- HB 397**, relative to restricted drivers' licenses.
- HB 448-L**, relative to early renewals of vehicle registrations.
- HB 547-FN**, relative to the inspection of trucks.
- HB 659-FN**, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements.
- HB 918-FN**, relative to motor vehicle registrations for manufacturers.
- HB 511**, increasing the total prize value of a bingo game or series of games.
- HB 844-FN**, authorizing the commissioner of revenue administration to issue demands for records for purposes of interest and dividends tax audits and to seize and destroy unstamped and invalidly stamped tobacco products.
- HB 519**, requiring children 12 years of age or under to wear personal flotation devices.
- HB 232**, relative to retaliatory rent increases and mediation of manufactured housing park disputes.
- HB 263-FN**, relative to health insurance riders.
- HB 305**, establishing a task force to develop legislation for expanding access to affordable health insurance for the 2008 and 2009 legislative session.
- HB 767**, relative to insurance for volunteer drivers.
- HB 556**, relative to school emergency response plans.
- HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education.
- HB 32**, establishing a commission to study voter registration cards.
- HB 191**, relative to the authority to unseal ballots following a state election.
- HB 429**, relative to nominations by multiple parties.
- HB 480**, relative to party columns listing names on ballots.
- SB 36**, eliminating straight ticket voting.
- HB 704**, relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls.
- HB 416**, relative to mercury reduction.
- HB 699**, establishing a commission to study methods and costs of sewage, sludge, and septage disposal.
- HB 907-FN**, relative to the sale and distribution of certain mercury-added products.
- HB 38**, relative to terms of appointment for certain state officers.
- HB 229**, relative to licensing requirements for operators of games of chance.

**HB 543**, establishing a commission to study the licensing process for licensed alcohol and drug counselors.

**HB 571-FN**, relative to full-time seasonal state employees.

**HB 653**, relative to the determination of benefits, funding, and administration of the New Hampshire retirement system.

**HB 828-FN**, relative to a state ethics officer.

**HB 928**, relative to the Christa McAuliffe planetarium commission.

**HB 46-FN-A-L**, making an appropriation to fund kindergarten programs in the towns of Merrimack, Hampstead, Goffstown, and Fremont, and in the Timberlane regional school district.

**HB 553-FN-A**, requiring the state to pay legal fees for certain supreme court justices and making an appropriation therefor.

**HB 812**, relative to making permanent certain exceptions to limits on land application of septage and sludge.

**HB 558**, repealing the education trust fund.

**HB 583-FN**, relative to funding for HIV/AIDS services.

**HR 10**, opposing President George W. Bush's Iraq policy and urging the President and Congress to take actions relative to veterans' benefits and the war in Iraq.

**HB 273-FN**, relative to special needs trusts.

**HB 826-FN**, relative to coverage of services and items under the medical assistance program.

**HB 71**, prohibiting the sale, rent, lease, transfer, or distribution of records, information, or lists of licensed dog owners in New Hampshire to another person by the town clerk's office.

**HB 83**, relative to the deliberations of certain state agencies under the right-to-know law.

**HB 377-FN-L**, relative to the right-to-know law.

### UNANIMOUS CONSENT

Rep. Bridgham addressed the House.

### RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purpose of introduction of bills and receiving Senate messages.

Adopted.

The House recessed at 7:20 p.m.

### RECESS

(Speaker Norelli in the Chair)

### RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 18, 27 through 33, 35, 37 through 43, 47, 50 through 56, 58, 59, 63 through 65, 69, 70, 72 through 76, 78, 80, 83 through 85, 88, 91, 94, 97, 99, 100, 104 through 108, 111, 113, 118, 119, 124, 125, 128, 129, 132, 135 through 137, 139, 145, 159, 161, 164, 167, 168, 170, 175, 179, 180, 184 through 186, 193, 195, 197, 200, 208, 209, 219, 223, 232, 238 and 243 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS

#### First, second reading and referral

**SB 18-FN**, raising the age of required attendance of children in school. (Education)

**SB 27-FN**, relative to the display of the POW-MIA flag. (Judiciary)

**SB 28**, redefining the "board of public employer for the judiciary" in public employee collective bargaining. (Judiciary)

**SB 29**, updating laws relative to child impact seminars to reflect the implementation of the judicial branch family division. (Children and Family Law)

**SB 30**, combining the judicial branch salary adjustment fund and the judicial branch benefit adjustment account into a single fund. (Judiciary)

- SB 31**, adding the chief justice of the supreme court or designee to the advisory council on emergency preparedness and security. (Executive Departments and Administration)
- SB 32-FN**, increasing the maximum amount of debt or damages for small claims actions. (Judiciary)
- SB 33-FN**, equalizing the pay of administrative judges in the judicial branch. (Judiciary)
- SB 35-FN-A**, making an appropriation for disaster relief assistance in response to the May 2006 floods and establishing a committee to study the distribution of financial disaster assistance. (Finance)
- SB 37**, relative to accidental death benefit payments in the city of Manchester employees' contributory retirement system. (Executive Departments and Administration)
- SB 38**, relative to uninsured or hit-and-run motor vehicle coverage. (Commerce)
- SB 39**, allowing a newly-retired supreme court justice to continue to participate as a temporary justice in a case held before retirement but decided after. (Judiciary)
- SB 40**, relative to the modular building code. (Municipal and County Government)
- SB 41**, relative to the authority of law enforcement officers to obtain registration checks on motor vehicles for official purposes and prohibiting the use of automated number plate scanning devices. (Criminal Justice and Public Safety)
- SB 42**, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places. (Commerce)
- SB 43**, relative to the training for barbers and establishing the master barber license under the board of barbering, cosmetology, and esthetics. (Executive Departments and Administration)
- SB 47-FN-A**, making a supplemental appropriation for school building aid. (Finance)
- SB 50**, relative to the membership of the state veterans' advisory committee and authorizing the state veterans council to accept certain donations and bequests. (State-Federal Relations and Veterans Affairs)
- SB 51**, transferring authority over court forms from the supreme court to the judicial branch administrative council. (Judiciary)
- SB 52**, relative to authorizing the attorney general to bring actions for violations of New Hampshire combination and monopolies law. (Commerce)
- SB 53**, relative to membership of the board of trustees of the regional community-technical colleges. (Education)
- SB 54**, relative to dog license fees. (Municipal and County Government)
- SB 55-FN**, establishing a committee to study the efficacy of the Master Settlement Agreement and strategies for addressing the financial burden imposed on the state by cigarette smoking and the use of tobacco products. (Ways and Means)
- SB 56**, relative to Old Drewsville Road in the town of Walpole. (Transportation)
- SB 58**, relative to the recommendation for the town budget. (Municipal and County Government)
- SB 59**, establishing a committee to study the effect on the unemployment compensation trust fund of employees with negative balance separate accounts. (Labor, Industrial and Rehabilitative Services)
- SB 63**, authorizing the commissioner of revenue administration to extend tax filing deadlines for certain members of the armed forces. (Ways and Means)
- SB 64**, changing the dates of the reports on court facilities made to the supreme court by the court accreditation commission and made to the commissioner of administrative services by the supreme court. (Public Works and Highways)
- SB 65-FN**, requiring that the state provide 21 days' written notice to the defendant prior to jury selection for his or her trial of the state's request for an extended term of imprisonment. (Criminal Justice and Public Safety)
- SB 69**, relative to exceptions to the confidentiality provisions for certain department of employment security records. (Labor, Industrial and Rehabilitative Services)
- SB 70**, relative to external review for disability income policies. (Commerce)
- SB 72-L**, relative to standards for public school approval. (Education)
- SB 73-FN-A**, relative to lottery prizes and administration by the lottery commission. (Ways and Means)
- SB 74-FN**, relative to the operation and administration of the state park system. (Resources, Recreation and Development)
- SB 75-FN**, relative to establishing a south central New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire. (Transportation)

**SB 76-FN-L**, establishing a commission to study the proper allocation of costs for transporting convicted persons and methods for minimizing the costs of transporting convicted persons. (Criminal Justice and Public Safety)

**SB 78**, relative to the placement of twins or other multiples in the same classroom. (Education)

**SB 80**, relative to qualified minor's trusts. (Children and Family Law)

**SB 83**, naming the Epsom traffic circle in honor of Officer Jeremy Charron and Officer Michael Briggs and naming a portion of Route 4 in honor of Officer Michael Briggs. (Public Works and Highways)

**SB 84**, establishing procedural requirements to improve implementation of the 10-year highway plan. (Public Works and Highways)

**SB 85**, relative to eligibility for the property tax exemption for the disabled. (Municipal and County Government)

**SB 88**, relative to public employee terms of employment, bargaining units, and dispute resolution. (Labor, Industrial and Rehabilitative Services)

**SB 91**, relative to political contributions by corporations, partnerships, and labor unions. (Election Law)

**SB 94**, relative to the office of information technology. (Executive Departments and Administration)

**SB 97**, relative to unemployment administrative contributions and the training fund, and transferring the job training program administered by the department of regional community-technical colleges to the department of resources and economic development. (Labor, Industrial and Rehabilitative Services)

**SB 99**, relative to the terms for payment in lieu of taxes for renewable generation facilities. (Municipal and County Government)

**SB 100**, relative to the authority of a real estate escrow agent to hold funds in the event of a dispute. (Commerce)

**SB 104**, relative to the directory of charitable trusts. (Commerce)

**SB 105**, repealing the bond requirement for fund raising counsel of a charitable trust. (Commerce)

**SB 106**, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch. (Legislative Administration)

**SB 107**, authorizing the judicial branch family division and the superior court to use bail commissioners in civil cases. (Judiciary)

**SB 108**, making technical corrections to the probate laws. (Judiciary)

**SB 111**, permitting a dam to be constructed on Lake Ivanhoe in the town of Wakefield. (Resources, Recreation and Development)

**SB 113-FN**, relative to the position of special justice in the district court. (Judiciary)

**SB 118**, increasing fines for certain dog violations. (Municipal and County Government)

**SB 119**, establishing a committee to study the oversight of municipal capital reserve funds. (Municipal and County Government)

**SB 124**, changing the membership of the economic development matching grants screening committee. (Commerce)

**SB 125-FN**, relative to certificates for architect business organizations. (Commerce)

**SB 128-FN**, establishing an enhanced penalty for injuring another as a result of resisting arrest. (Criminal Justice and Public Safety)

**SB 129-FN**, requiring interpretation services upon request for persons receiving medical treatment. (Health, Human Services and Elderly Affairs)

**SB 132-FN**, allowing marital masters to be reimbursed for certain expenses and repealing a provision permitting court stenographers to be reimbursed for expenses. (Judiciary)

**SB 135**, establishing a commission to study lowering costs of health insurance for small businesses. (Commerce)

**SB 136**, relative to the attorney general's authority to appoint, organize, and assign investigatory personnel at the department of justice. (Criminal Justice and Public Safety)

**SB 137-FN**, removing the prospective repeal of community reinvestment and opportunity zones (CROP zones). (Commerce)

**SB 139-FN**, relative to the asset transfer penalty in Medicaid. (Health, Human Services and Elderly Affairs)

**SB 145-FN**, allowing marital masters and registers and deputy registers of probate to perform notarial acts. (Judiciary)

**SB 159-FN-L**, relative to polling place arrangement and accessibility. (Election Law)

**SB 161-FN**, relative to the registration fees for mortgage servicing companies. (Commerce)

**SB 164**, relative to renewals and reinstatements of licenses issued by the board of dental examiners and procedures of the board. (Executive Departments and Administration)

**SB 167-FN**, relative to the licensure of medical assistants by the board of nursing. (Health, Human Services and Elderly Affairs)

**SB 168-FN**, establishing tuition waivers for foster children. (Education)

**SB 170-FN**, establishing an office of mediation and arbitration within the judicial branch. (Judiciary)

**SB 175-FN-A**, establishing an apprentice hunting license. (Fish and Game)

**SB 179-FN-A**, establishing an automated external defibrillator advisory commission. (Education)

**SB 180**, relative to local regulation of persons soliciting contributions on streets. (Municipal and County Government)

**SB 184-FN**, relative to residential home care services providers. (Health, Human Services and Elderly Affairs)

**SB 185**, relative to photo identification for persons released from correctional facilities and establishing a commission to study the services needed to help chronically homeless children in New Hampshire. (Children and Family Law)

**SB 186-FN**, establishing a committee to study a state elderly homeowner property tax credit. (Municipal and County Government)

**SB 193**, relative to adjustments to the child support guidelines under special circumstances. (Children and Family Law)

**SB 195-FN**, relative to unemployment benefits for persons needed to care for family members who are disabled. (Labor, Industrial and Rehabilitative Services)

**SB 197**, relative to continuation of group health insurance in the event of divorce or legal separation. (Commerce)

**SB 200-FN**, relative to the state directory of new hires. (Executive Departments and Administration)

**SB 208**, relative to court review of certain planning and zoning decisions. (Judiciary)

**SB 209**, requiring the board of trustees of the judicial retirement plan to study the inclusion of service of all judges who are not members of the judicial retirement plan. (Executive Departments and Administration)

**SB 219-FN**, establishing a committee to study the effectiveness of current preservation planning tools designed to prevent unnecessary demolitions of significant historic properties and recommend new incentives to aid communities, improvements to existing methods, or creation of new programs. (Municipal and County Government)

**SB 223-FN**, establishing a New Hampshire medal of honor. (State-Federal Relations and Veterans Affairs)

**SB 232-FN**, relative to profits from the prison industries program. (Finance)

**SB 238**, relative to funding for the Groveton Branch Corridor repairs. (Public Works and Highways)

**SB 243-FN**, relative to regulating home contractors. (Executive Departments and Administration)

## RECESS

### (Speaker Norelli in the Chair)

Rep. Wallner moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 12

Wednesday, April 4, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

In the space of this moment, O God, and in the long day ahead of us, grant to us a Holy pause, and a stilling of mind and heart. We confess that no matter what side of today's vital issues we find ourselves on, we have come armed to the hilt with our passions, our proof-texts and, if we are quite honest, perhaps a few prejudices about one another. Disarm us, we pray, and surprise us with Your Grace. Let our discourse honor the full humanity of every person in this chamber and in this state, and remind us again that our enemies are not flesh and blood but principalities and powers. Give us the courage to step out of the shadows of our fears, and guide us, we pray, in the direction of life, liberty, and hope for all.

We offer up our prayers for the Speaker today in her unenviable role; we pray for Representatives Wallner and Whalley. We offer up our prayers for all those on staff here whose hard work of preparation makes this work possible. And hear our prayer especially for Representative Stephen Johnson who is facing a lengthy recovery due to a punctured nerve in his spinal column and Steve Holland who was severely injured when struck by a car while jogging last week and faces a long rehabilitation.

O God, when the day is over, and our voices are hoarse, our hair is tussled, and the pizza no longer looks appetizing, let us look back on this day and call it good. Amen.

Rep. James Headd, member from Auburn, led the Pledge of Allegiance.

The National Anthem was sung by Sarah, Rebecca, Zachary and Amanda Blanchard, granddaughters, grandson and granddaughter-in-law of Rep. Blanchard.

### LEAVES OF ABSENCE

Reps. Ahlgren, Peter Cote, Fesh, Stephen Johnson, Laliberte, Srncac and Francis Sullivan, the day, illness.

Reps. Bedrick and Tahir, the day, important business.

Rep. Parkhurst, the day, death in the family.

### INTRODUCTION OF GUESTS

Josh Blanchard and Dawn Hagy, family and friend of the singers, guests of the House. Kristina Vezinat, daughter of Rep. Manney. Debra Lacross and Elizabeth Foy, guests of Rep. Sally Kelly.

### COMMITTEE REPORTS

#### REGULAR CALENDAR – SPECIAL ORDERS

**HB 437-FN-L**, permitting same gender couples to enter spousal unions and have the same rights, responsibilities, and obligations as married couples. **OUGHT TO PASS WITH AMENDMENT.** Rep. Bette R. Lasky for Judiciary: This bill establishes civil unions in New Hampshire. RSA 457 will be amended to allow same gender couples to enter civil unions and have the same rights, responsibilities and obligations as married couples. The majority of the committee feels the time has come to give same gender couples and their families the same legal protections that married couples enjoy. Over the years the committee has heard hundreds of pleas from couples who have told us of the difficulties they encounter in their daily lives with property rights, hospital visitation, health benefits to name only a few. With the passage of HB 437 New Hampshire will move closer to equality. Vote 15-5.

#### Amendment (0972h)

Amend the title of the bill by replacing it with the following:

AN ACT permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Civil Unions. Amend RSA by inserting after chapter 457 the following new chapter:

## CHAPTER 457-A CIVIL UNIONS

457-A:1 State Recognition of Civil Unions; Purpose. The state of New Hampshire recognizes the civil union between one man and another man or one woman and another woman. The purpose of this chapter is to delineate the rights, obligations, and responsibilities of parties entering a civil union, to establish a process by which the civil union is established, and to provide a process for the dissolution of a civil union.

457-A:2 Requisites. Parties entering into a civil union shall be subject to the same requirements and conditions as contained in RSA 457, provided that civil unions shall only be allowed between one man and another man or one woman and another woman, subject to the prohibitions in RSA 457-A:3 and RSA 457-A:4.

457-A:3 Civil Unions Prohibited; Men. No man shall enter into a civil union with his father, his father's brother, his mother's brother, his son, his brother, his daughter's son, his brother's son, his sister's son, his father's brother's son, his mother's brother's son, his father's sister's son, or his mother's sister's son.

457-A:4 Civil Unions Prohibited; Women. No woman shall enter into a civil union with her mother, her father's sister, her mother's sister, her daughter, her sister, her son's daughter, her daughter's daughter, her brother's daughter, her sister's daughter, her father's brother's daughter, her mother's brother's daughter, her father's sister's daughter, or her mother's sister's daughter.

457-A:5 Forms, Documents, and Applications; Solemnization. The secretary of state shall develop forms, documents and applications for entering into a civil union, which shall conform to this chapter as well as RSA 5-C:41-61. Civil unions shall be solemnized pursuant to the provisions of RSA 457:31. Nothing in this chapter shall be construed to require a minister or clergy to solemnize a civil union.

457-A:6 Rights, Obligations, and Responsibilities. Notwithstanding any other law to the contrary, the parties who enter into a civil union pursuant to this chapter shall be entitled to all the rights and subject to all the obligations and responsibilities provided for in state law that apply to parties who are joined together pursuant to RSA 457.

457-A:7 Dissolution. Parties who have entered into a civil union who wish to dissolve the civil union shall do so pursuant to RSA 458.

457-A:8 Other Jurisdictions. Civil unions or other legal domestic relationships between parties of the same gender, entered into by nonresidents or by New Hampshire residents in other jurisdictions shall be recognized by the state of New Hampshire, provided that those relationships are legal in the jurisdiction where they are performed.

2 Effective Date. This act shall take effect January 1, 2008.

### AMENDED ANALYSIS

This bill permits same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

Rep. Rowe moved Recommit.

Reps. Vaillancourt and Lasky spoke against.

Rep. Rowe spoke in favor and yielded to questions.

Rep. Mooney spoke in favor.

On a division vote, 134 members having voted in the affirmative and 217 in the negative, the motion failed.

The question now being adoption of committee amendment (0972h).

Reps. Mooney, Mark Clark and Lasky spoke against.

Committee amendment failed.

Rep. Lasky offered floor amendment (1156h).

### Floor Amendment (1156h)

Amend the title of the bill by replacing it with the following:

AN ACT permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Civil Unions. Amend RSA by inserting after chapter 457 the following new chapter:

## CHAPTER 457-A CIVIL UNIONS

457-A:1 State Recognition of Civil Unions; Purpose. The state of New Hampshire recognizes the civil union between one man and another man or one woman and another woman. The purpose of this chapter is to delineate the rights, obligations, and responsibilities of parties entering a civil union, to establish a process by which the civil union is established, and to provide a process for the dissolution of a civil union.

457-A:2 Requisites. Parties entering into a civil union shall be subject to the same requirements and conditions as contained in RSA 457, provided that civil unions shall only be allowed between one unmarried man and another unmarried man both of whom are at least 18 years of age or one unmarried woman and another unmarried woman both of whom are at least 18 years of age, subject to the prohibitions in RSA 457-A:3 and RSA 457-A:4 and provided that they are not in another civil union.

457-A:3 Civil Unions Prohibited; Men. No man shall enter into a civil union with his father, his grandfather, his father's brother, his mother's brother, his son, his brother, his son's son, his daughter's son, his brother's son, his sister's son, his father's brother's son, his mother's brother's son, his father's sister's son, or his mother's sister's son.

457-A:4 Civil Unions Prohibited; Women. No woman shall enter into a civil union with her mother, her grandmother, her father's sister, her mother's sister, her daughter, her sister, her son's daughter, her daughter's daughter, her brother's daughter, her sister's daughter, her father's brother's daughter, her mother's brother's daughter, her father's sister's daughter, or her mother's sister's daughter.

457-A:5 Forms, Documents, and Applications; How Performed. The secretary of state shall develop forms, documents and applications for entering into a civil union, which shall conform to this chapter. Civil unions shall be performed pursuant to the provisions of RSA 457:31 and entered into pursuant to the analogous provisions of RSA 5-C:41-61. Nothing in this chapter shall be construed to require a minister or clergyman or clergywoman to solemnize or perform a civil union.

457-A:6 Rights, Obligations, and Responsibilities. Notwithstanding any other law to the contrary, the parties who enter into a civil union pursuant to this chapter shall be entitled to all the rights and subject to all the obligations and responsibilities provided for in state law that apply to parties who are joined together pursuant to RSA 457.

457-A:7 Dissolution. Parties who have entered into a civil union who wish to dissolve the civil union shall do so pursuant to RSA 458.

457-A:8 Other Jurisdictions. A civil union or a marriage between a man and another man or a woman and another woman legally contracted outside of New Hampshire shall be recognized as a civil union in this state, provided that the relationship does not violate the prohibitions of this chapter.

2 Effective Date. This act shall take effect January 1, 2008.

### AMENDED ANALYSIS

This bill permits same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

Rep. Mooney spoke against and yielded to questions.

Reps. Lasky and Butler spoke in favor.

On a division vote, 223 members having voted in the affirmative and 137 in the negative, floor amendment (1156h) was adopted.

Rep. DiFruscia offered floor amendment (1158h).

### Floor Amendment (1158h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing the familial relationship act.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Familial Relationship Act. Amend RSA by inserting after chapter 457 the following new chapter:

## CHAPTER 457-A FAMILIAL RELATIONSHIP ACT

457-A:1 State Recognition of Familial Relationship; Purpose. The state of New Hampshire recognizes the contract of familial relationship between any 2 unmarried adults for the purpose of



providing mutual financial support and emotional comfort to each other. The purpose of this chapter is to delineate the rights, obligations, and responsibilities of parties entering a contract of familial responsibility, to establish a process by which the contract of familial relationship is established, and to provide a process for the dissolution of a contract of familial relationship.

457-A:2 Requisites. Parties entering into a contract of familial relationship shall be 2 unmarried persons 18 years of age or older, who have the same residence and domicile and who are entering into the contract in order to provide mutual financial support and emotional comfort to each other.

457-A:3 Forms, Documents, and Applications. The secretary of state shall develop forms, documents, applications, and fees for entering into a contract of familial relationship, which shall conform to this chapter and include information as to the address, age, and health of each party.

457-A:4 Terms and Conditions; Rights, Privileges, and Responsibilities.

I. The laws of New Hampshire shall govern the terms and conditions of a contract entered into under this chapter.

II. All rights, privileges, and responsibilities conferred by state and federal law, including the laws of partnership, shall apply to contracts entered into under this chapter.

457-A:5 Inheritance. If a party to a contract of familial relationship dies intestate, the remaining party shall be considered sole heir for purposes of intestate distribution, except as to the children of the parties.

457-A:6 Dissolution; Child Support. Parties who have entered into a contract of familial responsibility under this chapter shall do so by filing suit in equity in the superior court. The child support laws under RSA 458 through RSA 458-D shall apply, if the parties have a child.

2 Effective Date. This act shall take effect January 1, 2008.

### AMENDED ANALYSIS

This bill permits any 2 unmarried persons, both of whom are 18 years of age or older, to enter into a contract of familial relationship.

Rep. DiFruscia spoke in favor and yielded to questions.

Reps. Morrison and Gary Richardson spoke against.

Rep. David Smith spoke in favor.

On a division vote, 113 members having voted in the affirmative and 253 in the negative, floor amendment (1158h) failed.

Rep. Mooney offered floor amendment (1155h).

### Floor Amendment (1155h)

Amend the title of the bill by replacing it with the following:

AN ACT permitting any 2 unmarried persons 18 years of age or older to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Civil Unions. Amend RSA by inserting after chapter 457 the following new chapter:

#### CHAPTER 457-A

#### CIVIL UNIONS

457-A:1 State Recognition of Civil Unions; Purpose. The state of New Hampshire recognizes the civil union between any 2 unmarried persons 18 years of age or older. The purpose of this chapter is to delineate the rights, obligations, and responsibilities of parties entering a civil union, to establish a process by which the civil union is established, and to provide a process for the dissolution of a civil union.

457-A:2 Requisites. Parties entering into a civil union shall be subject to the same requirements and conditions as contained in RSA 457, provided that civil unions shall only be allowed between any 2 unmarried persons 18 years of age or older.

457-A:3 Forms, Documents, and Applications; Solemnization. The secretary of state shall develop forms, documents and applications for entering into a civil union, which shall conform to this chapter as well as RSA 5-C:41-61. Civil unions shall be solemnized pursuant to the provisions of RSA 457:31. Nothing in this chapter shall be construed to require a minister or clergy to solemnize a civil union.

457-A:4 Rights, Obligations, and Responsibilities. Notwithstanding any other law to the contrary, the parties who enter into a civil union pursuant to this chapter shall be entitled to all the rights and subject to all the obligations and responsibilities provided for in state law that apply to parties who are joined together pursuant to RSA 457.

457-A:5 Dissolution. Parties who have entered into a civil union who wish to dissolve the civil union shall do so by petitioning the superior court pursuant to RSA 458.

2 Effective Date. This act shall take effect January 1, 2008.

### AMENDED ANALYSIS

This bill permits any 2 unmarried persons 18 years of age or older to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

Rep. Pierce spoke against.

Reps. Mooney and MacKay spoke in favor.

On a division vote, 115 members having voted in the affirmative and 249 in the negative, floor amendment (1155h) failed.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Reps. Nancy Elliott and Baldasaro spoke against.

Reps. Vaillancourt and Hilliard spoke in favor.

Rep. Carson requested a roll call; sufficiently seconded.

### YEAS 243 NAYS 129

#### YEAS 243

#### BELKNAP

Allen, Janet  
Pilliod, James

Arsenault, Beth  
Reever, Judith

Millham, Alida  
Russell, David

Morrison, Gail  
Wood, Jane

#### CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Martin, James

Butler, Edward

Cunningham, Howard

#### CHESHIRE

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Plifka, Stanley Jr  
Sad, Tara

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Robertson, Timothy

#### COOS

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

#### GRAFTON

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Andersen, Gene  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon  
Sorg, Gregory

Benn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

#### HILLSBOROUGH

Baroody, Benjamin  
Brunelle, Michael  
Cote, David  
Edwards, Andrew  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Irwin, Anne-Marie  
Katsiantonis, George  
Kopka, Angeline  
Levesque, Melanie

Beaulieu, Jane  
Campbell, David  
Daler, Jennifer  
Essex, David  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Jean, Claudette  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn

Beck, Catriona  
Chase, Claudia  
Dokmo, Cynthia  
Fontas, Jeffrey  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Jeudy, Jean  
Knowles, John  
Leishman, Peter  
Long, Patrick

Bergin, Peter  
Clemons, Jane  
Drisko, Richard  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Holden, Randolph  
Kaelin, Michael  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron

Marshall, Seth  
Movsesian, Lori  
Peterson, Andy  
Shattuck, Gilman  
Smith, Sandra  
Vaillancourt, Steve

Martineau, Jesse  
O'Brien, Michael Sr  
Reuschel, Michael  
Shaw, Barbara  
Spratt, Stephen  
Winters, Joel

Matarazzo, Anthony Sr  
O'Connell, Timothy  
Rosenwald, Cindy  
Shaw, Kimberly  
Sullivan, Daniel

Messier, Irene  
O'Neil, James  
Schulze, Joan  
Simon, Anthony  
Sysyn, Mary

### MERRIMACK

Beauchesne, Suzanne  
Brueggemann, Donald  
Ehlers, Eileen  
Greco, Vincent  
Kidder, David  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Blanchard, Elizabeth  
Clarke, Claire  
Foose, Robert  
Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Bouchard, Candace  
Davis, Frank  
French, Barbara  
Hamm, Christine  
Lockwood, Priscilla  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Brown, Carole  
DeJoie, John  
Gile, Mary  
Kelly, Sally  
MacKay, James  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Case, Frank  
Flockhart, Eileen  
Howard, Doreen  
Lister, Charlotte  
McGuirk, Thomas  
Nord, Susi  
Reagan, John  
Snow, Richard

Borden, David  
Casey, Kimberley  
Gould, Kenneth  
Kelley, Jane  
Marsh, Michael  
McKenna, Daniel  
O'Keefe, Peter  
Robertson, Carl  
Splaine, James

Brown, C. Pennington  
Day, Judith  
Grote, Otto  
Kennedy, James  
McCarthy, Linda  
Moody, Marcia  
Pantelakos, Laura  
Russell, Trink  
Stiles, Nancy

Cali-Pitts, Jacqueline  
Elliott, Robert  
Henson, John  
Kepner, Susan  
McEachern, Paul  
Moore, Bennett  
Powers, James  
Serlin, Christopher  
Wells, Roger

### STRAFFORD

Billian, Deborah  
Brown, Julie  
Cyr, James  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Brennan, William  
Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brown, George  
Browne, Brendon  
Domingo, Baldwin  
Hilliard, Dana  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, Jennifer  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinzy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

### NAYS 129

### BELKNAP

Boyce, Laurie  
Nedeau, Stephen  
Wendelboe, Fran

Clark, Charles  
Thomas, John  
Whalley, Michael

Flanders, Donald  
Tilton, Franklin

Heald, Bruce  
Tobin, William

### CARROLL

Brown, Carolyn  
Morrow, Harry

Chandler, Gene  
Patten, Betsey

Denley, William  
Stevens, Stanley

Knox, J. David

### CHESHIRE

Hunt, John

Johnson, Jane

Pelkey, Stephen

**COOS**

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Bulis, Lyle

Dingman, Vernon III

Eaton, Stephanie

Gionet, Edmond

Ingbretson, Paul

Williams, Burton

**HILLSBOROUGH**

Barry, Richard

Batula, Peter

Bergeron, Jean-Guy

Christensen, Chris

Christiansen, Lars

Clark, Mark

Coughlin, Pamela

Crane, Elenore Casey

Daniels, Gary

Day, Russell

Elliott, Nancy

Emerton, Larry

Fletcher, Richard

Forest, Armand

Graham, John

Haefner, Robert

Hansen, Ryan

Hawkins, Ken

Hinkle, Peyton

Hogan, Edith

Hunter, Bruce

Infantine, William

Jasper, Shawn

Kurk, Neal

L'Heureux, Robert

Lawrence, James

Manney, Pamela

McRae, Karen

Mooney, Maureen

Moran, Edward

Ober, Lynne

Ober, Russell III

Pilotte, Maurice

Price, Pamela

Reeves, Sandra

Renzullo, Andrew

Rowe, Robert

Smith, David

Soucy, Connie

Spaulding, Jayne

Stepanek, Stephen

Ulery, Jordan

Velez, Hector

Villeneuve, Maurice

**MERRIMACK**

Anderson, Eric

Hess, David

Humphries, Charlie

Reed, Dennis

**ROCKINGHAM**

Allen, Mary

Baldasaro, Alfred

Belanger, Ronald

Bishop, Franklin

Buxton, Donald

Camm, Kevin

Carson, Sharon

Charron, Gene

Dalrymple, David

Devine, James

DiFruscia, Anthony

Dumaine, Dudley

Emiro, Frank

Flanders, John Sr

Forsing, Robert

Garcia, Marilinda

Garritty, James

Griffin, Mary

Guthrie, Joseph

Headd, James

Hopfgarten, Paul

Hutchinson, Karen

Ingram, Russell

Introne, Robert

Itse, Daniel

Johnson, Robert

Kappler, Lawrence

Katsakiores, George

Katsakiores, Phyllis

Lund, Howie

Major, Norman

McKinney, Betsy

McMahon, Charles

Moore, Benjamin

Nowe, Ronald

Packard, Sherman

Pearson, Mark

Priestley, Anne

Quandt, Marshall

Quandt, Matthew

Rausch, James

Sanders, Elisabeth

Waterhouse, Kevin

Weare, Everett

Welch, David

Weyler, Kenneth

Wickson, Rick

Winchell, George

**STRAFFORD**

Berube, Roger

Hofemann, Roland

**SULLIVAN**

Rodeschin, Beverly

and the committee report was adopted.

Ordered to third reading.

Rep. Solomon voted Yea and intended to vote Nay.

Rep. Emerson did not vote and notified the Clerk that she wished to be recorded against.

Rep. Bettencourt did not vote and notified the Clerk that he wished to be recorded in favor.

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Splaine moved that the House reconsider its action whereby it adopted the committee report of Ought to Pass with Amendment, **HB 437-FN-L**, permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

Rep. Splaine spoke against.

Motion failed.

**MOTION TO PRINT DEBATE**

Rep. Infantine moved that the debate on **HB 437-FN-L**, permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples, be printed in the Permanent Journal.

Adopted.

**DEBATE ON HB 437**

**Rep. Rowe:** Thank you, Madam Speaker. I would move to recommit this matter back to the Judiciary Committee and I would like to speak to my motion.

**Speaker:** Rep. Rowe moves that HB 437 be recommitted to the Judiciary Committee. He is recognized to speak to his motion.

**Rep. Rowe:** Thank you, Madam Speaker: This is a most important bill for our state and this legislature. It will make a tremendous difference to our society. It's important for all people, but the bill itself is extremely technical and it has not had as much time in our committee evaluating and studying it and that is why I would like to have it recommitted. Consider if you would, just a few points. We are here today on a committee amendment. When I wrote my presentation, I thought we had four floor amendments. Someone said we have seven now. Even at four we wouldn't get through this until Noon or 1:00 p.m. – one bill. We are falling further and further behind. Second, there are a lot of errors in the committee amendment and possibly in the floor amendments and with all of these floor amendments coming forth, we're going to be expected to listen to the speaker speaking, read the floor amendment for the first time, evaluate it, ponder it, compare with others and to come forth and have a responsible vote. That is simply not going to be possible. This is what the committee is for. Now, I would ask you to turn to page 555 in your amendment in your House Calendar and look at the House amendment.

**Speaker:** Rep. Rowe. You were recognized to speak to your motion to recommit.

**Rep. Rowe:** Yes, thank you.

**Speaker:** I would ask that you keep your remarks to the motion to recommit.

**Rep. Rowe:** I am speaking to the amendment that's before us and that's the one that's going to be recommitted and I'm referring to it as a basis for recommitment.

**Speaker:** Okay. I would just note that there is no amendment before us.

**Rep. Rowe:** If the House committee amendment is not before us, I would be happy to sit down and wait until that's brought forward and then I will stand up and ask to recommit. Madam Speaker, in due respect, I will accept your decision on that issue.

**Speaker:** There is no amendment before us at the moment. You were recognized for the motion to recommit, to recommit the bill in its entirety.

**Rep. Rowe:** Then I will wait until the committee amendment is brought forth so I can refer to a few points in that committee amendment that strongly suggest why it should be recommitted. Thank you.

**Speaker:** Rep. Rowe, did you withdraw your motion?

**Rep. Rowe:** I guess I have to withdraw my motion until after the motion is made for the committee amendment and when that is introduced, I will stand up and I will ask to be recognized for a higher priority motion. Yes, my request has been delayed.

**Speaker:** Rep. Rowe withdraws his motion to recommit. The question before the House is on committee amendment (0972h) printed in House Record 25 on pages 781 and 782. The Chair recognizes Rep. Rowe for a motion.

**Rep. Rowe:** Thank you, Madam Speaker. It almost seems as though I've been here before. I would move recommitment.

**Speaker:** Rep. Rowe moves recommitment of HB 437 and is recognized to speak to his motion.

**Rep. Rowe:** This legislature is made up of intelligent people with a great ability to retain facts. I respect that and I won't repeat my introduction remarks, but I ask you to transfer them to this presentation. I've indicated one reason why we should recommit because we'll be sitting here until 1:00, 2:00 or 3:00 p.m. on all of these amendments and guess what? At the end of all these, we're probably going to get another motion to recommit. Well let me talk about a few errors there are in the House amendment and there very likely is going to be an awful lot of problems, inconsistencies and ambiguities in these four, five, six or seven floor amendments so I would ask you once again to turn to page 555 in your House Calendar which has all of the amendments.

**Speaker:** The House will be in order. The committee amendment is on pages 781 and 782.

**Rep. Rowe:** I stand corrected, Madam Speaker, but I ask you to refer to that and in the House Bill, I ask you to turn to sections A3 and A4. These are the sections that indicate the relationship where a civil union is not allowed. These relationships are similar to the classes of people who can't marry and they were put into law for genetic reasons. Issue born of the brother and a sister, etc. have a high priority of it being defective, but when it's civil unions, I hardly think there can be issue born of one man who has a civil union with another man. We have discriminated in many

respects against the homosexual community and I feel that we definitely should do something in that area, but this bill would prohibit two elderly brothers wanting to live their life out together or two same sex cousins wanting to live their life together so they get the benefit of health insurance. That is simply wrong. That is discrimination and there is not a strong basis for that. That's one of the issues. The other is a public policy issue. If you turn down to section A8 it says, "Civil unions or other legal domestic relationships." What is another legal domestic relationship? Is it defined? It is not defined and yet for any non-resident from Massachusetts or Africa or China that has a civil union by that country's standard and in a legal domestic relationship by that country's laws must be accepted here under this bill. That is simply wrong. We should set policy as to what is prohibited as we do in heterosexuals.

**Speaker:** Would the member please suspend for just a moment. I want to explain to you and to the House why I am going to...the motion that you have made is to recommit. The issues that you are addressing are issues about a particular amendment. When you are speaking to recommitment, you need to address the House as to why you think this bill needs to go back to the committee and leave the debate on the problems with the particular amendment to when we're having the debate about the amendment. You may continue.

**Rep. Rowe:** Thank you for your clarification, but this old man just plods along in his own way and yes, I am getting to that point. I've indicated some of the rationale as to why this should go back to a committee, why we should retain it, why we should once again evaluate all options so we can come forth next January and operate and pass an excellent bill. I feel it's foolhardy for us to ponder at this date so many amendments, trying to recognize them, understand them, compare them and vote on them. This is too important a task to do in a matter of hours. Thank you, Madam Speaker.

**Speaker:** Will the member yield to a question? The member yields, Rep. Peter Allen, you may inquire.

**Rep. Peter Allen:** Thank you very much, Madam Speaker. Thank you very much, Representative, for taking my question.

**Rep. Peter Allen:** We all pledge, "With liberty and justice for all." What is the problem?

**Rep. Rowe:** In what context?

**Speaker:** Will the member yield to a follow up?

**Rep. Rowe:** Yes.

**Speaker:** The member yields.

**Rep. Rowe:** I feel that we are discriminating against, for example, two brothers, two same sex cousins who want to have a civil union for the benefits of it, to live together the rest of their life. There's many, you might say, well it's not the same thing. I say it is because you may be thinking in terms of a stranger vs. relationship. That may or may not be a sexual one. There's others things such as brotherly love. I think it's reasonable to allow related people of the same sex to have the same benefits as non related people because there is not going to be a genetic issue and that is why this prohibitive section was put in in the first place possibly centuries ago.

**Speaker:** The question before the House is on the motion to recommit HB 437. The Chair recognizes the member from Manchester, Rep. Vaillancourt.

**Rep. Vaillancourt:** Thank you, Madam Speaker. I rise in opposition to the motion to recommit. This is not new. This House has dealt with this now since the opening of the session. We've dealt with many permutations of this for the last couple of years. What is going to be a long day has already become a longer day by this motion to recommit. I suggest this is nothing more than an attempt to kill a bill which has come to us and it's time to do something about it. What we do about it is up to the wisdom of this House. I suggest we could do one of many things, but let's not lose focus. This bill is not about brothers and sisters being allowed to fit into civil unions. If you want to do that, you can introduce another bill next January. If you want to do that I guess you can do a floor amendment and confuse this issue even more. This bill and others and the amendments are about civil unions for gays and lesbians, about giving equal rights to a group that is the last in our society to get them. To recommit this bill now would be an insult to them, an insult to the Judiciary Committee, which has worked on this and frankly I think the previous speaker was one of the people that worked on this. It may take three or four hours to do this. It may take all day to do this, but eventually we're going to give it the time it deserves and I suggest the time is now. Please do not recommit this.

**Speaker:** The question before the House is on the motion to recommit. The Chair recognizes the member from Merrimack, Rep. Mooney.

**Rep. Mooney:** Thank you, Madam Speaker and members of this Honorable House. I rise in support of a motion to recommit. This bill was exec'd in an amendment format at the very end of the last long day to exec bills before the deadline. The bill we took up last week to recognize out of state marriages was one of these bills as well. There are currently four in depth floor amendments to make this bill better policy. At least two specific concepts for members of the committee to greatly improve this bill were not properly considered due to committee time constraints beyond our control. The floor amendments proposed are really too tedious to consider as floor amendments therefore I feel a motion to recommit is my only recourse. Those in the bi-partisan minority on the committee believe that we must properly deliberate and amend this serious bill in order to make it fair and equal for all consenting adults and I ask you to please vote green when the question is called on a motion to recommit and I thank you for your considerate attention.

**Speaker:** The question before the House is on the motion to recommit HB 437. The Chair recognizes the member from Nashua, Rep. Lasky.

**Rep. Lasky:** Thank you, Madam Speaker. Good morning fellow colleagues. There is absolutely no need to recommit HB 437. The Judiciary Committee has done its work. I'd like to say as usual, contentiously and competently. We have had long hearings on all the bills devoted to this subject matter. Everyone was heard who wanted to be and we had sufficient inclusive sub-committee meetings on the bill. There was an entire afternoon spent discussing it and yes the vote was taken at the end of that afternoon, but after we had spent hours discussing it. There is no new information to look into and no reason to recommit and I believe that part of our process is floor amendments from time to time. There is no reason that everyone in this House cannot look at those amendments. They will be spoken to and they can digest and grasp what is needed to make a good decision. Also the concepts that were alluded to will be addressed in another bill we are proposing from the committee that will be taken on later today. So I ask you, please vote red, press red and vote "no" to recommitment. Thank you.

**Speaker:** The question before the House is on the motion to recommit HB 437. Are you ready for the question? A division has been requested. Will members please take their seats?

**Speaker:** Rep. Gionet requests a roll call. Is that sufficiently seconded? It is not sufficiently seconded. This will be a division vote.

**Speaker:** The question before the House is on the motion to recommit HB 437. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 134 having voted in the affirmative, 217 in the negative, the motion fails.

**Speaker:** The question before the House is committee amendment (0972h). The Chair recognizes the member from Merrimack, Rep. Mooney.

**Rep. Mooney:** Thank you, Madam Speaker, thank you members of the House. I rise opposed to the committee amendment found on page 781 of this week's House Calendar. Emotions aside, this amendment's content is flawed. It does not specify whether a person has to be married or not to enter into a civil union. This is a critical component of this bill since technically it leaves a wide open gap for someone to be married at the same time as entered into a civil union. It allows for out of state civil unions or domestic relationships to be recognized in New Hampshire and this puts us into the same position where we were last week recognizing out of state marriage laws created by courts or otherwise into New Hampshire as our law. But most importantly, this amendment is not fair or equal. There are floor amendments that you'll hear after this vote to clarify each technical point that I just named for you just now. I ask that you vote down this flawed amendment and consider one of the several substitute floor amendments that will be offered today. And again, I would request that you vote red on the committee amendment. Thank you, Madam Speaker and members of the House.

**Speaker:** The question before the House is on the committee amendment. The Chair recognizes the member from Bedford, Rep. Mark Clark.

**Rep. Mark Clark:** Thank you, Madam Speaker and Honorable members of this House. I have a running joke with my wife that since we were married in Hawaii, it doesn't count in New Hampshire. Hawaii was one of the first states to consider civil unions, but in fact they voted it down. Then they established a marriage amendment that only allows for marriage between one man and one woman. I stand here today in defense of marriage as between one man and one woman. I equate civil unions to marriage and in my opinion it is absurd to think civil unions are any different from marriage. I know some of you surround yourselves with those who argue for civil unions, but in reality most of our constituents do not want homosexual marriage. In fact, you would not even let

them vote on it. The fact is this is not an issue of civil rights as you've been told over and over again. This is more about the idea that homosexual couples are no different than heterosexual couples. Hopefully we agree there is a difference between a man and a woman. We are fundamentally different. I believe in equal rights for both sexes, however, men and women are different. I don't think I have to explain that. When I asked my wife if she wants to become a man, she says "Absolutely not." I believe civil unions strike at the very core of our society, redefining its social structure and thus becoming a wrong approach to solving the issues that homosexual couples have. I'm not for taking away civil rights based on someone's sexual preference. What people do in their bedrooms is none of my business. What people do in their bedrooms should not make them married. I'm for solving issues that those who live in domestic partnerships have. They should have all financial rights as that of married couples do. Domestic partnerships should be based on what people do, not be based on what people do in their bedrooms. Civil unions should not be only allowed for those who do something in their bedrooms differently than heterosexuals. This is discrimination. Let me give you an example. If my wife died, I would like to enter into a relationship with my best friend. He could stay at home. He already has a cleaning company and is a pretty good cook. He could also help me raise my kids. We should have the rights like any other couple. However, we will not have sex with each other. Excluding us would be discrimination and clearly this court is not in the business of discriminating against anyone based on what they do or don't do in their bedrooms. Please support the domestic partnership concept and vote no on civil unions. A bill that would surely be discriminatory the way it is written. Thank you.

**Speaker:** The question before the House is on committee amendment (0927h). The Chair recognizes the member from Nashua, Rep. Lasky.

**Rep. Lasky:** Thank you, Madam Speaker. Good morning again. Fellow members of the House, I stand before you and I agree with my esteemed colleague on Judiciary, the representative from Merrimack, and I ask you to vote against the committee report as amended. In the time since that amendment...

**Speaker:** Will the member...I just want to be clear that the question before the House is on the committee amendment, not Ought to Pass with Amendment.

**Rep. Lasky:** No. Did I...I am sorry, Madam Speaker, if I said that, I am in error. I am asking you to vote against the committee amendment. In the time since that amendment was proposed and placed in the calendar, issues were raised that members of this House felt they could address and present an even better bill to the House - one that would be clearer and unambiguous and would meet these concerns. Shortly, we will be able to do just that. So at this point, I ask you to vote no on the committee amendment. Thank you.

**Speaker:** The question before the House is on committee amendment (0972h). Are you ready for the question? All those in favor say Aye. All those opposed Nay. The Nay's have it and the committee amendment fails. The Chair recognizes Rep. Vaillancourt for the purpose of a floor amendment.

**Rep. Vaillancourt:** Thank you, Madam Speaker. In difference to the Judiciary Committee which will be offering a new amendment, I withdraw my amendment so we can hear their new amendment first. It could well be that their amendment does what my amendment, albeit more wordy, would also do. Words are not bad things, so I withdraw that amendment at this time. Thank you, Madam Speaker.

**Speaker:** The Chair recognizes Rep. Lasky for the purpose of introducing a floor amendment. Rep. Lasky moves floor amendment (1156h). It's in your seat pockets and she's recognized to speak to her floor amendment.

**Rep. Lasky:** Thank you, Madam Speaker and I will give each of you a minute to get that out and follow along with me. The former teacher in me wants to say, does everyone have the right place? Okay, thank you. Honored members of the House, I proudly stand before you today in support of HB 437 as amended by amendment (1156h). A bill that will establish civil unions in our state and give same gender couples and their families the same rights, responsibilities and obligations as married couples. Over the past six years, the Judiciary Committee has listened to hundreds of stories from New Hampshire residents about the difficulties they face every day as same gender couples without the legal rights of marriage. Always heartfelt and compelling, they have told us of not being able to be with their partners in the hospital, of being denied healthcare benefits. We've heard stories of not being able to share in end of life decisions and everyday difficulties of picking up a sick child at school. These people are our neighbors, our sisters, brothers, children, teachers, politicians and they are fighting for our country. They contribute to our communities and enrich the fabric of our daily lives with their individuality and they should no longer be discriminated against because



of their sexual orientation. New Hampshire has a long and proud history of independence and support for all its citizens. We can demonstrate that now by passing amendment (1156h) and HB 437 as amended. We have the opportunity to prove this legislature's commitment to minority rights by guaranteeing fair and just treatment to same gender couples. The amendment is simple, straightforward, gets the job done. The purpose of the new chapter, civil unions RSA 457A is to recognize civil unions, to delineate the rights, obligations and responsibilities of parties entering a civil union, to establish a process by which one is established and to provide a process for its dissolution, if needed. This amendment addressed concerns expressed by this House, as I stated previously, during the past couple of weeks. No one under the age of 18 can enter a civil union and there is now in the bill prohibitions against an already married person from entering a civil union nor can one who's already in a civil union enter into another one. Other than that, the bill is as you have been presented and have seen and as was previously in the Calendar. No longer will same gender couples have to go through expensive complicated contracts for each of the approximately 399 state rights afforded to married couples. The time is right. These families have waited long enough for recognition, legitimacy and legal relief. So I ask you, please do the right thing. What you know in your heart is right. Help our daughters, sons, friends and neighbors live their lives, the way I believe we all want to live, with the people we love in peace and dignity. Thank you, Madam Speaker.

**Speaker:** Will the member yield to a question? The member does not yield. The question before the House is on the Lasky floor amendment (1156h). I would remind all of the speakers to please confine your remarks to the amendment. The debate is not on Ought to Pass with Amendment, just on the amendment. The Chair recognizes the member from Merrimack, Rep. Mooney.

**Rep. Mooney:** Thank you, Madam Speaker and members of this Honorable House. I rise opposed to floor amendment (1156h). Although some technicalities have been addressed, one glaring flaw is that this civil union contract is only allowed for same gender couples. A further floor amendment will be offered to open this contract since it is not a marriage. It is a domestic partnership contractual agreement. Another interesting point to notice is in section A8 on page 2 of the floor amendment which allows marriages and civil unions created out of the state of New Hampshire into New Hampshire. Even more so, in this section, it converts Massachusetts marriages, Massachusetts same gender marriages, into a New Hampshire civil union. I don't understand that provision and if a civil union is not a marriage I don't see how that works. Colleagues, we on the Judiciary Committee have not seen or examined or had a hearing on this amendment or its ramifications and I would encourage you all to vote red against this floor amendment. Thank you, Madam Speaker and members for your attention.

**Speaker:** Will the member yield to a question? The member yields. Rep. Carson, you may inquire.

**Rep. Carson:** Thank you, Madam Speaker and thank you Representative for taking my question. I would just like some clarification on something. We've had discussion in this House especially on this bill concerning equality and discrimination. The one thing that I am really surprised at is the fact that in this bill there is no provision for heterosexual couples to enter into civil unions. Can you speak about that a little please?

**Rep. Mooney:** That is correct. This floor amendment is only applicable to same gender couples. However, I do know there are at least 2 floor amendments to follow this amendment that is inclusive of any two unmarried adults. Thank you.

**Speaker:** Will the member yield to another question? The member does not yield. The question before the House is on the Lasky floor amendment (1156h). The Chair recognizes the member from Hart's Location, Rep. Butler.

**Rep. Butler:** Thank you, Madam Speaker. Fellow colleagues, I rise in support of the amendment to create civil unions for same gender couples. Many of you have told me and others of our colleagues that you will support this bill today which creates a legal bond for committed gay and lesbian couples in which we will be able to access all the rights, responsibilities and obligations of marriage in the state of New Hampshire. To those supporters, and for the thousands of gay and lesbian citizens for whom this legislation will mean so much, I say thank you. Thank you for understanding that gays and lesbians deserve yet one more step on the road to full equality.

**Speaker:** Will the member please suspend for a moment? The question before the House is on the committee amendment so you should address your remarks to the amendment. At some point we'll get to the bill itself with any attending amendments.

**Rep. Butler:** My understanding is that the amendment speaks to civil unions directly and that's my intent. Writing my testimony has been somewhat difficult. It's not like I don't know the sub-

ject. I'm gay. I've been in a committed relationship with my partner Les for 29 years. I've been active in advocating for gay and lesbian equality for much of my adult life. I was on the commission created by this body to study same sex marriage and its legal equivalents or so it was titled. Many of you received email messages over the past several days in support of this bill. I hope you read them. They were from gay and lesbian couples and singles, from parents and grandparents, friends and pastors. Allow them to help me give this testimony. One woman wrote, "I have a personal stake in this bill, as I am with a partner of ten years who is very sick. We have attorney in fact and power of attorney papers. My partner was in the ICU for ten days between December and January and again last week. She is completely bedridden. When in the ICU, where she almost died, I was asked by a nurse if she had any family to be with her. I told the nurse that after ten years together and three children, I believed that I was her family." And this was after they had already given their power of attorney papers to the hospital. Another woman wrote, "We have been together for 24 years in a committed relationship. As we grow older together we not only want but need to be recognized by our state as a committed couple, especially in situations of poor health where we would not have access to each other and to the decisions made about each other." A gentleman from Portsmouth wrote, "No citizen who abides by the law deserves to remain in a second class status." This bill seems to me to support the sort of committed relationships and strong families that make a more civilized and stable society that benefits all of us. Several ministers sent messages. One priest said, "As a priest of the church, I have seen first hand the trauma that can ensue for those who have no legal rights upon the death of a partner or for children who are not able to avail themselves to protections of the law." We can make a difference in the lives of many people by offering them rights and protections. From someone who works in HHS, "My partner of five years had to go without medical coverage for quite a while simply because, unlike my married co-workers, I was unable to add her to my insurance." And one last and longer quote. "I write to you as a teacher. I have taught for several years as an openly gay educator. I have seen the healing that comes with honesty and integrity. Children thrive in an atmosphere of safety, honesty and inclusion. Children are very aware of the debate going on over gay marriage. They are awaiting the result like a verdict on the human value rating of their gay and lesbian family members, friends, neighbors, teachers, classmates and for some it is a statement about their very selves. Please give them the support of freedom. I write to you as a Christian, although there are some sects of Christianity that would be oppressive to gay and lesbian families. There are several denominations that believe fervently in our equality to heterosexual families before both God and man. We are assured in the New Hampshire state constitution that no one sect would have dominance over another. Those churches in favor of gay marriage are not trying to denominate other denominations by forcing them to accept that which they do not want to do. However, anti gay church groups are indeed attempting to force legislation which would set their own beliefs as the officially sanctioned beliefs of the state. Our constitution stands to keep us safe from that threat. I write to you as a gay man engaged to be married in August of 2008. Please make our special day even more special. Our priest just told me he would marry us in a second. I cannot express in words how humbled and grateful we would be." Isn't it amazing that this gentleman is using the language of the mainstream of society and even without the legal supports, he is engaged to be married - God, that younger generation. And then there was that one email in which one of our constituents said he did not favor this bill because it runs counter to his moral belief system. And the good Representative from Jaffrey quickly sent out his own message saying, "Finally, someone has made a good argument." After dozens and dozens of emails urging us to vote in favor of civil unions, many with personal stories or well thought out messages, finally someone said what at least one of our august body wanted to hear. I guess that's why it's been difficult to come up with compelling testimony. Many people have sent powerful requests for that one big step up the ladder toward equality and yet those of you who don't want to believe that we should be your equals, are not likely to listen to any of our entreaties. You can justify your position by saying, "You are already my equal. You can marry someone of the opposite sex just as I can." How many times have I heard that canard? Or that traditional marriage must be protected, that our society is losing its moral compass and the support of gays and lesbians and our loving relationships will somehow further society's social decline. Or that society has expressed interest in supporting the model between one man and one woman because it supports and encourages procreation upon which the ability of society depends and traditional marriage is one of the basic building blocks of civilization as we know it and should not be changed any further. And because of these arguments and these fears, attempt after attempt

have been made and are being made today to prevent access for gays and lesbians to those rights, responsibilities and obligations of marriage in this bill through a ceremony called civil unions. As so many people did in their messages to you over the past few days, let me try to assuage your fears. Let me try to assuage your misconceptions. Let me try to appeal to your basic humanity. Gays and lesbians have worked over the past many decades to come out of the closet and into the light. That process has been difficult because of the deep fears and prejudices of many. Obviously issues of sexuality are very powerful. As you know, many people have lost their livelihoods because of being gay or lesbian. We have been rejected by family and kicked out of housing or have been marginalized in other ways. Many gays and lesbians have been beaten because of who they are. Many have lost their lives. And yet we continue to work to become more a part of society because we know that we are simply the same as you, our straight counterparts and want and deserve the same rights and responsibilities in society. We want you to know that you have nothing to fear from our lifestyle any more than we have anything to fear from yours. Our loving relationships are as precious and as powerful as yours. Most of us settle into committed relationships just as you do and as we become more an accepted part of society, our households are mirroring family norms. Many couples are having or adopting children or bringing their kids from a previous relationship. We will resist attempts to minimize our loving relationships by comparing them to any two adults who desire to have some legal benefits. As couples, we are the same as you. Our loving relationships endure the same challenges, the same exhilaration, the same communication problems, and the same negotiations over who's balancing the checkbook and who's washing the dishes tonight. We deserve the same legal and societal recognition of our relationships. I wish I was more eloquent, more clever, somehow could construct the images that help those of you who do not support this bill. Understand why you should reconsider your reasoning, but I can only say that we are requesting to have this ceremony called civil unions, not because we want to undermine the institution of marriage, but rather because we respect it. Ours is a vibrant statement that reinforces the tradition of marriage and looks forward to the securities that civil unions will provide for our families. I'm asking you to support your gay and lesbian constituents by supporting this bill. Civil unions do not give us equality, but it does bring us closer. It sanctions our love and commitment in a way that has not yet been done in this state. You will continue to learn in a way that has not yet been seen that we are not a threat to the safety or civility of your belief systems or the stability of society or the family structure. Thank you.

Thank you, Madam Speaker and I will not take questions.

**Speaker:** The member does not yield. The question before the House is on the Lasky floor amendment (1156h). Are you ready for the question? All those in favor say Aye. I'm sorry, a division was requested. Will members please take their seats? Rep. Vaillancourt has requested a roll call. Is that sufficiently seconded? It is not sufficiently seconded. This is a division vote. The question before the House is on the Lasky floor amendment (1156h). If you're in favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 223 having voted in the affirmative, 137 in the negative, Lasky floor amendment (1156h) is adopted.

Rep. DiFruscia moves floor amendment (1158h). That's also located in your seat pocket. He is recognized to speak to his amendment.

**Rep. DiFruscia:** Thank you, Madam Speaker. I hope that floor amendment (1158h) will be adopted. A week ago we talked about the constitutional amendment, you may remember, and I was very interested to hear that one of the new State Representatives, a young one, talked about discrimination and how she saw it first hand. I must share with you that I feel that that's occurred to me too. The last speaker, Madam Speaker could never pronounce my name, but somehow he didn't have that situation with the other members. What I am really concerned about is the family unit and when you look at the family unit what do you want? The Judiciary Committee with its amendment today or at least in the Judiciary Committee proposing it, if you think about it, seems that that amendment itself is in and of itself a situation that expands marriage and expands family. How does that happen? How many of you are divorced? Do you like paying alimony? That's simple. Under the floor amendment from the committee, you are paying alimony. Did you bargain for that? Did you really bargain for that? What my amendment does is it takes it out of the category of family, so called family law, so that you're dealing with two adult individuals who have a common purpose. I was asked when I was coming up here today whether or not the amendment is printed could have been any smaller. Quite frankly, I don't think so. But I would like you to come with me for

a few seconds to just hear what it says. It expands what a family is and it says that the purpose, of course, in the first section is to form a contract. It also says qualified two people over 18 consistent with the present law. It also says if you jump down to line 22 and 23, it talks about rights, privileges and responsibility conferred by state and federal law including law of partnership. I'm not so sure I'm happy with the word partnership. But I must share with you the fact that we are now not in the family court. This is the only bill before you, by the way, that has bi-partisan support. The next speaker is a member of the Democratic Party. I don't view this at all to be simply a case dealing with marriage. It's not. Traditionally we all know what a marriage is and traditionally we know too that there is no place for discrimination. So if you want to be fair, if this family contract is dissolved, it's in equity court. Now, what does that mean? You're not subjecting yourself to the family court. Equity court which is now able to and has been able to do for the last couple of hundred years, divides various property interests between various individuals such as partitions to partition. They deal with contribution. They deal with who has contributed what in building up that asset. If you look also within our own statute you deal with liens, Medicare liens. You'll see in Medicare liens that anyone who is a member of that household, including a spouse, would not be evicted. I sit now as the Chairman of that subcommittee. So, what this amendment does, the amendment quite frankly simply makes it a contract issue and makes it fair. The word is fair. I can understand both sides of the issue. I feel they have some merit, but I also feel the biggest pitfall here. The biggest one is by trying to make this something of more than what it is not. If you keep it in equity, it's a contract. If you make it a contract, and you put the terms of a contract that the laws of the state of New Hampshire shall govern no matter where you go. We now know, as so often happens, that when you make a contract, you can make a contract and say the laws of a particular state will be applied. Is it unique? Yes. Is it different? Yes. Does it handle and take care of people of the same sex or not of the same sex? Yes, as long as you're unmarried. Is it fair? Yes. And if you don't have a will, does it take care of the other party? Yes. Because if you look at it, under line 25 dealing with inheritance, it means that if there's no will, the other party to the contract now would end up picking the remaining share, except in one spot. And that's the rights of children, children of either party. So what are we doing now? What we're trying to do is we're trying to say clear and simple, it's a contract. Now whatever either party wants to do, whatever church they want to go to, they can do it. The same thing applies. I'm suggesting to all of us that if you really want to be fair, if you really don't want to discriminate, if you really and truly as in the bill it says that the purpose is to provide mutual financial support and emotional comfort to each other, is there anything else you want? When you get into a situation like this, isn't that what it's all about? I know it's a little bit different. Further on you're going to see a bill that talks about a study concerning this issue. Nobody wants to talk about a study. But let me suggest to you. If we're going to amend and change the family unit, the best way to do it is dispassionately, fairly, adopting amendment (1158h). Thank you, Madam Speaker.

**Speaker:** Will the member yield to a question? The member yields. Rep. Dumaine, you may inquire.

**Rep. Dumaine:** Thank you, Madam Speaker. My voice is a little rough today because I don't know how long it is going to last. I'm just curious, if it's going to have basically the same elements as a marriage, what's to stop the Supreme Court from coming in and just saying "Hey, might as well be a marriage," and it is?

**Rep. DiFruscia:** Thank you for the question. It's simple why the Supreme Court wouldn't. With the current amendment, the Supreme Court can, because you're clearly saying with the current amendment that all of the statutes dealing with marriage dissolution fall within a civil union. In my amendment it does not, it says the equity court that does not deal specifically with the section dealing with dissolving of a marriage, the creation of a marriage, or in fact divorce, alimony and all the other good things. Thank you because I think the present amendment that's before you that's been submitted. Now the biggest nightmare we ever have is the court coming in and trying to figure out what we meant today. And I can possibly see somebody coming forward and challenging and saying, "Well, why are you calling it civil unions, it's really a marriage." Now do you want that to happen in the court system? It's your choice.

**Speaker:** Will the member yield to a further question? The member yields. Rep. Dumaine, you may inquire.

**Rep. Dumaine:** Thank you, Madam Speaker. As you know, Representative, I don't trust the Supreme Court as far as I can throw a school bus. And, what's to stop them from even taking your amendment and doing it anyway?

**Rep. DiFruscia:** Very specific within my amendment, it says clearly that the laws of contract from the state of New Hampshire shall apply and it also says clearly under line 28 by filing suit in equity in the superior court. To me that's clear, so clear that even a Supreme Court judge can understand it.

**Speaker:** Will the member yield to another question? The member yields. Rep. Itse, you may inquire.

**Rep. Itse:** Thank you, Madam Speaker. Thank you to the Representative from Windham for taking my question. Representative, does your amendment allow the execution of civil rights and distribution of property absolutely blind to sexuality?

**Rep. DiFruscia:** Thank you for the question. I want everybody to know that I did not set up these questions. Okay? The answer is yes, of course it does. Sexuality has nothing to do with this amendment dealing with the family contract. I hope that you will consider my amendment seriously because I think it's a step forward and I hope that you listen to the other two speakers and Madam Speaker I'm requesting a division. The next speaker is going to be a Democrat who certainly will have a different point of view. Thank you.

**Speaker:** The question before the House is on the DiFruscia floor amendment. The Chair recognizes the member from Sanbornton, Rep. Morrison.

**Rep. Morrison:** Thank you, Madam Speaker, esteemed members of this House. You have heard people say in response to the plea for the right of marriage, "You can have the same thing by drawing up a series of contracts." The usual response is that no one can carry a suitcase of contracts around with them to show proof of that relationship. One document could do the whole thing. The civil union's bill, as amended a few moments ago, is a very simple document and it does what is needed at this moment. This amendment that is being discussed is even simpler. It does nothing to address the needs of gay families. It does not extend the family court system and its dissolution process that we've been working on for so many years. It does not extend it to gay families. It leaves that to the equity courts. That is not right. This is a sham. It's a sham with a fancy title, the title being, family relationship act. Is that so? It allows parties to make an agreement and that's something we can do now. It does not extend rights and that's what we really and truly need, the extension of rights. You heard the Representative from Hart's Location say that very same thing. I'll say that to you again, too. We need those rights. This last weekend, my partner and I of 25 years did something that we had been hoping to do on Valentines' Day. We exchanged rings and I'm glad to take your congratulations. We exchanged rings with the knowledge that this was something that was going to have special meaning because in a very short time we would be able to enter a civil union. I spoke with someone in the women's room just before we came in and she said, "You know, this may be the most important bill we pass this year." And so, I urge you to defeat this amendment and to support the bill as amended by the Lasky amendment. Thank you so much.

**Speaker:** The question before the House is on the DiFruscia floor amendment. The Chair recognizes the member from Nashua, Rep. David Smith.

**Rep. David Smith:** Thank you very much Madam Speaker. My friends, this is a most important issue as you all know. I spoke in this well last year on a constitutional amendment for a marriage between a man and a woman. And I alluded to the fact that there was an alternative. The reciprocal benefits agreements that are working in the state of Hawaii are working very, very well. The DiFruscia amendment pretty much reflects what those reciprocal benefits are. So we have a system here that is in fact tested and it is working well in society. This is about equal rights and the amendment, I feel, does address that factor. It was mentioned there were 390 rights that people who are in homosexual relationships do not have the benefit of as if they were married. This is to grant them those rights. I've heard an awful lot about equality. I'd like to remind everyone here that we are not equal. And before you take a quick breath, our constitution in the first paragraph says most clearly that all men are equally created to be free and independent and that means that we have equal opportunities and by having the equal opportunities you should have access to those equal rights. The problem with marriage is not in the institution itself. The problem with marriage is manmade law that we've attached over the years. The tax benefits, the benefits of visiting someone in the hospital, inheritance. The list goes on and on and on. And people who have the strong committed relationships are being denied those. Let's fix man's law. That's what this amendment does. And, to my friend in Hart's Location, I say you ought to be commended for having had such a long and steady relationship with someone who you obviously dearly love and are committed to. And what this legislature does here or does not do here is not going to change that one bit. And you should be very proud of that relationship, just as I am very proud of my relationship with my

wife. There is another thing that we should consider also. We've all received a lot of communications. We've received a lot of emails on this issue. We have denied the people of New Hampshire the right to vote on what they feel should be a constitutional amendment. I think that we should also remember when we cast our votes today to remember what our oath is and that is to what we should be doing for our constituents. Do you feel that your constituents truly want this or would they prefer to have people being able to come before the law freely and independent on equal terms as they should be able to? I thank you all for listening to me. I thank you very much Madam Speaker.

**Speaker:** The question before the House is on the DiFruscia floor amendment. The Chair recognizes Rep. Gary Richardson.

**Rep. Gary Richardson:** Thank you, Madam Speaker. First I would like to give my compliments to my friend and fellow Judiciary Committee member, the Honorable Representative from Windham for making a really excellent argument on a very poor and weak bill. There is a fundamental flaw in the amendment. And that is that although it talks about familial relationship, nowhere in the bill does it define, nor in the amendment, does it define what a familial relationship would be nor does it give it any status. Basically all the bill does is to say that two people can enter into a contract to do something. Well, I have news for you. Two people can enter into a contract to do something as long as it's not illegal right now. We don't need a bill labeled as a familial relationship bill to give us that. With respect to the substance of the bill, it really doesn't say much, but what it does address, the one area where there is some specificity, is related to the area of inheritance. And it says the remaining party, if one of the parties dies, shall be considered the sole heir except as to the children of the parties, but nowhere in the bill does it define what interest the children of the parties would have in inheritance and it is an illustration of the fundamental problem of not adopting the process that we have in this state to deal with relationships between people who are in a marriage or hopefully will be in a civil union. We have 200 years of statutes and development of law with respect to the relationship between married people. The Lasky amendment we have just adopted incorporates that language into the relationship of civil union. I beg to disagree seriously with the Representative from Windham that the judges will not be able to interpret this. They interpret issues of law in divorce every day and by adopting that language in civil unions, they will know how to interpret those relationships. The other last comment I would like to make is with respect to the last speaker from Nashua and he raised the issue of what our constituents want. I think what our constituents want, ladies and gentlemen, is that people be treated fairly. I think they want to let people do what they want to do in the privacy of their own homes and I think they want to let them enter into relationships such as civil unions and respect their rights as well as the rights of those of us who are heterosexual. I don't think it's a disallowance of what our constituents want to adopt the policy that people be treated fairly regardless of their race, creed or sexual preference. Thank you.

**Speaker:** Will the member yield to a question? The member does not yield. A division has been requested. Will members please take their seats? The question before the House is on the DiFruscia floor amendment (1158h). This is a division vote. If you're in favor of that amendment, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 113 having voted in the affirmative and 253 in the negative, the DiFruscia floor amendment fails.

Rep. Mooney is recognized for a motion.

**Rep. Mooney:** Thank you, Madam Speaker and members of this Honorable court. I rise in support of floor amendment (1155h) which should have been found in your seat pockets first thing this morning.

**Speaker:** Rep. Mooney moves the Mooney/MacKay floor amendment (1155h). That is in your seat pocket and she is recognized to speak to her amendment.

**Rep. Mooney:** Thank you, Madam Speaker. Article 2 of our state constitution etches life, liberty, property and happiness as natural rights. There is no greater happiness than human companionship. Our state constitution also emphasizes equality of all in Part First Article 1. This floor amendment blends these two key elements of life in New Hampshire to benefit all family relationships in whatever form they come in. The floor amendment opens the civil union concept to any two unmarried people who so wish to enter such a contract. It takes the concept behind the committee amendment and the floor amendment that was adopted earlier, but fairly and equally broadens it by replacing the phrase "same gender couples" with the phrase "any two unmarried persons 18 years of age or older." It takes the state out of the business of love and instead deals with the fair

and equal distribution of the economic benefits of marriage. The family unit has evolved over time to include all sorts of combinations. Why shut the door after same gender couples? I've been told repeatedly that a civil union is not a marriage. If this is the case, then why can't a civil union, a domestic contract between parties, be opened to any two unmarried people who so choose to enter one. Upon adoption of this floor amendment, we in New Hampshire will establish ourselves as a leader in caring for all combinations of family relationships. The bill as it is now as amended is a separate but equal clause in our law, an exclusive contract for only a certain sect of New Hampshire society. Lastly, I want to draw your attention and direct your attention to the blurb on 755 of your calendar. The last line states that the bill will move us closer to equality. It will move us closer to equality and I say let's get to equality today. Thank you, Madam Speaker and I would appreciate a vote of green on my floor amendment. Thank you, Madam Speaker.

**Speaker:** The question before the House is on the Mooney/MacKay floor amendment. The Chair recognizes the member from Etna, Rep. Pierce.

**Rep. Pierce:** Thank you, Madam Speaker. Amendment (1155h) is a fatally flawed bill to recognize civil unions in New Hampshire. First of all, amendment (1155h) is really a solution searching for a problem. My emails and I'm sure everyone else's emails have been flooded with pleas from gay and lesbian couples across the state pleading for recognition of their relationships. I've not received one email, one letter, one phone call from any two brothers seeking the same relationship. Have you? If not, again this is a solution searching for a problem. Should we relegate our gay and lesbian citizens to fear status in the law and keep them there because of this misguided bill? If someone wants a bill to have the state elevate these relationships to civil union status, they can offer one, but let's deal with the problem in front of us today. Indeed the sponsors of this amendment and all the other floor amendments we've heard favor equality for same sex couples. So let's deal with that, let's vote on it and then let's move on. Second, you'll see in amendment (1155h) there is no incest prohibition as the last amendment inserts. Now I'm not for, and most of you probably agree with me, having any kind of state or implicit or tacit state approval of incest relationships. We shouldn't be passing any bills that recognize relationships, familial relationships like this that do not have these prohibitions in it. Again, if someone wants to offer a bill that condones state approval of incest relationships, they can offer one. I'm not going to vote for one, but they can offer it. Third, amendment (1155h) has no exclusivity requirement. Although it does speak in terms of that no married person shall enter into a civil union, it does not go further and say that no one already in a civil union shall not enter into another civil union. And again, if someone wants to offer a bill that puts out that we should have these types of polygamous civil unions, they can offer it, we can debate it but that's not what we're here to do today. Again, I won't vote for it, but as another Representative, I believe a Representative from the Judiciary Committee said, "This amendment has no process for applying for civil unions." The Lasky amendment has direct references to RSA 5-c 41-61 which is the law as it has evolved in New Hampshire over 100 years about how these licenses will be applied for. Amendment (1155h) does not do that. There is no reason to and no application for it so we don't know how it would work. Amendment (1155h) does not say. Finally, amendment (1155h) provides no mechanism for recognition of out of state civil unions like the Lasky amendment does. So even those, it seems, we're mostly all in agreement that civil unions should be the law of the state, and I even note that President Bush has come out in favor of civil unions for same sex couples. Amendment (1155h) would not recognize any civil union that has been solemnized in Connecticut, Vermont, New Jersey or California here in New Hampshire. That's another fatal flaw and another reason why I think we should vote against this amendment. For these reasons, I ask you to vote down amendment (1155h) and Thank you, Madam Speaker.

**Speaker:** Will the member yield to a question? The member does not yield. The question before the House is on the Mooney/MacKay floor amendment (1155h). The Chair recognizes the member from Concord, Rep. MacKay.

**Rep. MacKay:** Thank you, Madam Speaker. Madam Speaker, I'll be brief because I have to be. I am losing my voice. Just so there is no confusion, I support civil unions for gay and lesbian couples and there is nothing in my presentation that is intended to denigrate that part of it. This bill is based on the basic principle of keep it simple and I'll leave out the other aspect that it does some things that make it possible to get where so many people want to get to. We worked with this yesterday and after quite a considerable amount of consultation, felt that at least this is another avenue to get to civil unions for those that deserve it. There are some that feel that adding in this for everybody 18 and over for any and unmarried is overly broad, but it does what people



want it to do. I felt it might be a way that some people that are rather conflicted about this could find this a way to move ahead with this subject. I hope you can support this. As I say, I support civil unions and my final vote will be in support of that. I hope along the way you can do this and I hope you vote green. Thank you, Madam Speaker.

**Speaker:** The question before the House is on the Mooney/MacKay floor amendment. Are you ready for the question? A division has been requested. Will the members please take their seats? The question before the House is on the Mooney/MacKay floor amendment (1155h). If you're in favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 115 having voted in the affirmative, 249 in the negative, the Mooney/MacKay floor amendment fails.

The question before the House is on the committee report of Ought to Pass with Amendment. The Chair recognizes the member from Merrimack, Rep. Nancy Elliott.

**Rep. Nancy Elliott:** Thank you, Madam Speaker. Please bear with me. I've had to revise my speech several times through this debate. This bill is unconstitutional because it discriminates and does not allow other groups access to this new class. Proponents of HB....

**Speaker:** Will the member please suspend? The House will please be in order. The member deserves to be heard. You may continue.

**Rep. Nancy Elliott:** Thank you. As I said before, this bill is unconstitutional because it discriminates and does not allow other groups access to this new class. Proponents of HB 437 say that same sex pairs love and are committed to each other and that should be a basis for marriage. Lot's of people love and are committed to each other that would be excluded in this bill. For example, three people that love and are committed to each other, two couples that love and are committed to each other and all forms of groups: a mother and daughter, two sisters or a father and son who may be interested due to finances. There is an issue as to whether the concept of civil unions is constitutional. We will have two institutions that are exactly the same except for the title. A rose by any other name is still a rose. We have heard discussion of separate but equal. Would this be the case? California has ruled this unconstitutional to have separate but equal. Traditional marriage is not discriminatory. It allows every woman to marry a man and every man to marry a woman. Marriage is for procreation. While all married couples do not have children, that does not change the fact that procreation requires a man and a woman. Nature bears witness to the legitimacy of one man and one woman. This bill is unconstitutional in the fact that it recognizes out of state unions. It does not recognize their marriages. Couples married in Mass., same sex couples, will most certainly sue and have their marriages recognized. The court will see this as reasonable due to the changes in our state. We are recognizing their relationship, but are we really? We are saying that you were a marriage and now you are just a union. Do you really think that our courts are going to accept that? The first same sex marriage union that is recognized from Mass. will spark a planned lawsuit to demand this equal protection of the law for New Hampshire based same sex couples. This state will be forced by the court to recognize same sex marriage just like the situation in Massachusetts. Face it. Is it fair that people who move here from another state have more rights than natives? No. Therefore we must all recognize that gay marriage is the end result of passing this bill. Know that if you vote for this bill that you are in fact voting for full gay marriage. What changes will gay marriage make in our state? Marriage will lose its meaning. It will no longer be a standard of morality. There will be a new morality. The need for marriage will decrease as it becomes irrelevant. It will affect our schools and children. As in Mass., our children will be forced to study the methods of homosexuality, something many parents feel their children would be okay never knowing. In Mass., the court's ruled that parents do not have the right to have their children excused from classes even if they oppose this teaching. And in Mass. this starts at the kindergarten level. Faith based adoption agencies will be forced by this statute to place children in gay homes in opposition to their teachings or face closure as is happening in Massachusetts. This bill now has a conflict in it due to all the amending processes. It says that no one under 18 can enter into a civil union. However, it also references the marriage laws which allow girls of 13 and boys of 14 to enter in, so I think we have a conflict already. Know that if you vote for this bill you are in fact voting for full gay marriage. If that is your intent to impose gay marriage on the citizens of this state, then you want to vote yes. But if you are looking at this civil union's bill as a compromise and not really marriage or even that by voting for civil unions you are protecting marriage, you are deceiving yourself. Be honest with yourself and your constituents. If you do not want gay marriage, and this is a gay marriage bill, you must vote no and press the red button.



**Speaker:** Will the member yield to a question? The member does not yield. The question before the House is on the committee report of Ought to Pass with Amendment. The Chair recognizes the member from Manchester, Rep. Vaillancourt.

**Rep. Vaillancourt:** Thank you, Madam Speaker. I rise in support of Ought to Pass with Amendment. As I alluded to earlier, I had an amendment which basically would have done the same thing. I think it was more elaborate and would have been better, but I don't think we should be any more confused than we already are here today. There was a time in my life, just a couple of years ago, when I thought when this bill came forward, I was going to have to get up here and plead with my colleagues to pass something that would at last bring the final segment of our society into equality with everyone else in the human race. I'm not going to have to do that. I can read the votes. Junie Blaisdell or Lyndon Johnson, some great man, I always forget which one, said, "When you've got the votes, sit down and vote." But I'm not as wise as either Junie Blaisdell or Lyndon Johnson or whoever said that and I would like to clear up some misconceptions about this bill. The previous speaker said this was gay marriage. It is not gay marriage. In fact, later this morning, later this afternoon we will consider HB 791 which in its original form, was and is about gay marriage. It has been amended to a study committee. The reason I mention this is because this bill as it stands today is a compromise, similar to the bill I introduced, a compromise. And what I see now is something rather miraculous happening. A lot of members of the gay and lesbian community showed up in this room to push for full fledged marriage – 791, the members of the Judiciary Committee and the members of this House. My friend from the North Country who served on the same sex marriage commission with me voted against this compromise on the same sex marriage commission. He has now accepted this compromise. What I see today are members of the gay community, the lesbian community saying, "You know we've got 99 percent of what we want. We're willing to accept that. We're willing to compromise." So I think what we need to do now is to ask the other side to say okay we're willing to compromise as well. It would be nice to see this not pass by a two to one margin, but by unanimity. In the Declaration of Independence, perhaps the most important document ever penned, Thomas Jefferson wrote those immortal words. I hope you'll allow me to read them. "We hold these truths to be self evident, that all men are created equal, that they are endowed, by their Creator, with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." The New Hampshire House today, in adopting this measure, will bring our society, albeit somewhat belatedly, into compliance with Jeffersonian ideals. All men and women are created equal whether they are black or white, gay or straight. Whether they are tall or short, color blind or can see colors, left handed or right handed. In the Jeffersonian spirit, the New Hampshire constitution, adopted June 2, 1784, reaffirmed in Part I, Article II all men, all men have certain natural, essential and inherent rights among which are the enjoying and defending of life and liberty, acquiring and possessing and protecting property and in a word, of seeking and obtaining happiness. I ask you, what could a more basic happiness be than that attained by two individuals falling so much in love that they wish to share their lives together in body, mind and soul. To deny two people that basic right, that right to sanctify that love before God, if they choose, and man is to deny an expression of that basic right of happiness. In 1974, in Article 2 of the New Hampshire constitution, we included the rather radical words, equality of rights under the law shall not be denied or abridged by this state on account of race, creed, sex or natural origin. And in Part 10 of the constitution it was kind of a right of revolution, if you remember, that so many constitutional scholars like to bring up Part 10, it says, "Government being instituted for the common benefit," similar to common benefit in Vermont law, "common benefit protection and security of the whole community and not for the private emolument of any man, family or class of man." And then it goes on to enumerate the right of revolution when government becomes dedicated to only one segment of society. By passing this bill today, although we are not granting full marriage rights to homosexuals, gays and lesbians, we are saying, "Hey, you have the same rights as other people and we are acknowledging that as other states have done." On the other hand this bill does not go as far as Massachusetts. This bill is not something handed down on high from a court as was the case in Massachusetts or Vermont. I am proud to say that this bill comes out of the Legislature. This bill which I hope will pass by tremendous margin, comes out of the peoples' will. And you know,

**Speaker:** The House will be in order.

**Rep. Vaillancourt:** No, they should be allowed to boo. I believe that shows the situation we are in, in society today.

**Speaker:** The House will be in order. I would ask the guests in the gallery to please remain in their seats or you will be removed from the gallery.

**Rep. Vaillancourt:** All men are created equal. They are endowed with their Creator with certain unalienable rights among these are life, liberty and the pursuit of happiness. It's time that we recognize that gays and lesbians have a right to pursue that happiness. Madam Speaker, one thing this bill does not do is force any religion to honor the wishes of a gay or lesbian. If you will look at page 2, lines 3 and 4 of the amendment, nothing in this chapter shall be constructed to require a minister or clergyman or clergywoman to solemnize and perform a civil union. So this bill is not forcing any lifestyle on anybody else. Forest Gump, yes Forest Gump had that famous line, "Life is like a box of chocolates." Remember that? Well, to those people who are afraid of this bill, to those people who say that if we allow homosexuals, gays and lesbians this kind of right, we're going to be taking something away from the straight community, I say to you life may be like a box of chocolates, but love is not like a box of chocolates. If I take a chocolate and eat it out of a box, I am denying you that chocolate. If a gay or lesbian choose to marry or get united with another gay or lesbian they are denying nobody anything. They are not denying you a chocolate. Love is infinite. There is enough love for everybody to go around. You know opinion polls and again I don't think we should act because of opinion polls and I have to tell you the truth, I never lie so I am going to tell you I had a caller last night, night before who said, "I will never vote for you if you pass this." I explained that I am going to pass it if I can. Opinion polls show that while the majority of New Hampshire residents do not yet support gay marriage, they do support civil unions. So be not afraid. We are not taking a chocolate away from the heterosexual community. We're not forcing anything on the heterosexual community. What we are doing is bringing society a little bit forward. In 1967, the Supreme Court in the *Loving vs. Virginia* decision stated that blacks and whites could indeed be allowed to solemnize their love for each other and marry. As you may know, public opinion was very much against that decision, but today no one among us would deny blacks and whites to solemnize their love for each other. And I think in 15 to 20 years society will feel the same way about denying gays and lesbians to solemnize their love in this form. I will take the question if you want to ask me if this is indeed a racial matter. What it does is say society advances incrementally. After this bill passed the committee, a gay activist was quoted in the Concord Monitor as saying, "This was one of the happiest days of my life." And you know I thought it would be a happy day for everybody who honors and appreciates equality. I thought it would be this uplifting experience, but it's an evolutionary process. We didn't arrive here overnight. You know when I realized that this was the kind of bill that would pass here today? And I hope it will. A couple of weeks ago on *This Week with George Stephanopoulos*, the godfather of conservatism, and I say that with all pride, I like the man a great deal, George Will was quoted as saying, "For most young people, being gay is like being left handed or being color blind." George Will saying that. In other words, George Will said that if we all think like young people and they are the future, then we're going to consider gays and the rights of lesbians and homosexuals and gay people just like we consider left handed people and color blind people. That's from George Will. If George Will can recognize it, I believe the rest of us can as well. Let's just clear up a few things this bill does not do. It does not allow more than one person to marry or enter into civil unions. It does not allow civil unions between a man or a woman and a young boy or girl. It does not give any special rights for gay people. Let's get that clear. In fact, gay people still come up a little bit short because they can't have that full thing of marriage. So what it does is provide equal rights virtually, nothing special. A song that I love a great deal was by Rod Stewart who is coming to the Verizon Center in less than a month. I hope he sings the song. It's called *The Killing of Georgie* about a young gay person who realizes that he is gay and leaves home and ends up getting killed on the cruel streets of New York City. There is a line that I would like to quote as I leave you and I would like you to think about it because we all deserve what Georgie wanted, nothing more and nothing less. Rod Stewart wrote and sang to us, "His mother's tears fell in vain the day Georgie tried to explain that he needed love like all the rest." It's time to say that gays and lesbians need love like all the rest and we honor the right to that love. Thank you, Madam Speaker.

**Speaker:** The question before the House is on the committee report of Ought to Pass with Amendment. Will the member yield to a question? The member does not yield. The question before the House is on the committee report of Ought to Pass with Amendment. A roll call has been requested and sufficiently seconded. We are down to our last two speakers. I would ask the Sergeant at Arms to please ask members to come up from the common room and in from the anteroom and quietly take their seats. The Chair recognizes the member from Londonderry, Rep. Baldasaro.

**Rep. Baldasaro:** Thank you, Madam Speaker.

**Speaker:** The House will be in order.

**Rep. Baldasaro:** First of all before I get started, for my friend from Manchester about being the will of the people. I hope we all wake up here because this is a small minority pushing the choices on the will of the people. Okay, so this here is not the will of the people and they will speak here come 2008. Thank you. You heard fellow Representatives tell you the homosexual rights are being stepped on is unconstitutional. I come to you today as a straight speaker and I don't use no three dollar words. I tell it like it is. Okay, and I will try to stay right to the point. This is a choice. I am tired of hearing about civil rights. Okay, this has nothing to do with your rights. This is your choice. You choose it. Whether you choose male on male or female on female or you're a male with two women, it does not make a difference. That's your choice. This is a stepping stone to an agenda and we all know it. As a fellow Representative, I agree with what was said before. This is a shame. It's actually a shame on the good people of New Hampshire that you have to sit here and listen to discussions here with people pushing their agenda. Hello, this is about opening the door. I want to make sure. This is about opening the door to the gay agenda. This is about marriage. This ain't about unions. This is about getting equal rights as a male/female. That's been around for many years. That's all this is about. Let's not kid ourselves. This is the stepping stone, as I said, to teaching our children from kindergarten on as they do in Massachusetts. This is about telling our kids that it's alright for Johnny and Joey to kiss together and cross dress or whatever. This is about Mary and Lucy or whatever coming together in our schools. Okay? This must stop right now because there is a slope that we're going down with this here. This is wrong. I wish you'd keep your choices in the bedroom and not push them on to the American people or the people of New Hampshire. I notice my friends, on the other side are in sequence on their votes. There is an agenda and it's not the peoples or New Hampshire's agenda. It's a national agenda. I hope that you keep the Massachusetts agenda out of New Hampshire because we talk about immigration. I believe that we need to put up fences around our border and keep the people of New Hampshire. We must not recognize the marriages of Massachusetts. That's what this is leading to. Marriage is not an American invention. It has existed as an institution since the beginning of civilization. As a marine, I've been through this once before during the White House a few years ago. I'm not going to mention any names, because I don't know if it's proper or what is or what's not. There was a certain President that was pushing their agenda down on the people of the military. We were disgusted. I was ready to throw in my retirement. We turned around. We talked about okay, now if in the military we're going to have gay sex or gay marriage or homosexuals in the military. The big discussion was were we going to have four bathrooms? Because I as a male marine I refused to take a shower, eat, drink, and sleep with a gay homosexual. I don't knock them because I have them in my family. I love them. This is not about being against them and knocking them down. This is about I don't support their choices and don't push it on me. And let me tell you today, I am not a religious man. I'm a Catholic and I walked away from the church. Okay, so this has nothing to do about religion, the Bible or any of that stuff there. I was married by a justice of the peace 20 years ago to my wife who is disgusted over this and she is a person of the Bible. Okay? Once again I talked to you a little bit about as my experience as a marine because what has to happen in the schools if you approve civil unions. My daughter of 15 years old said "Dad, does this mean that now in high school if lesbians come out and say they're lesbians, I have to take showers with them?" I said you know something, you're right 'cause we had talked about this at the dinner table. Okay? So this is opening the doors here because I as a male, as a marine like I was, do not want to take a shower with a homosexual. If that's the case, bring in the women and let me shower with women then because it's not right. Once again, let me tell you. Once again, this is not right. This is not about marriage. This is about a hidden agenda. This is about people up there that want to take people to court there if their agenda comes to here. We're going to be fighting them in court. Okay? On other issues this will go all the way to the Supreme Court. So be prepared to pay the good taxpayers' money and we're trying to educate our children so this is what this is all about. Some say that same sex marriage or, you know, should be between a man and a woman and of course they say it's unjust because people that make other choices are not invited in. Well, let me tell you here. Marriage, like I said once again, has been around for many years.

**Speaker:** Will the member please suspend? The question before the House is on Ought to Pass with amendment.

**Rep. Baldasaro:** Yes Ma'am, that's what I'm on. I'm on Ought to Pass here. I'm talking about the final bill Ought to Pass. Thank you. I apologize if I did something wrong.

**Speaker:** The bill is not a marriage bill.

**Rep. Baldasaro:** Yes Ma'am, you're correct but it's leading us down a slippery slope there to marriage. Is that proper? Today I see my friends once again and of course I dropped my notes here and I'll get with the program. Today I see my friends on the other side voting in sequence. I think we talked about that. This is about a national agenda. This is not about the good people of New Hampshire. We're pushing this around the country.

**Speaker:** Will the member please suspend? I want to explain that Mason's 124.3 talks about, says, "It is not the person, but the measure that is the subject of debate, and it is not allowable to arraign the motives of another." That means that you cannot assign motives for people's actions in a floor debate so I would ask you to please to refrain from doing that.

**Rep. Baldasaro:** Ma'am is that as an individual member or is that as a nation, on an agenda? That's what I'm confused on.

**Speaker:** Well, you should not be assigning motives to others during a floor debate.

**Rep. Baldasaro:** Okay. I'll rephrase that then. I apologize.

**Speaker:** Thank you very much.

**Rep. Baldasaro:** Today, I see my friends around the country voting in sequence on some special agenda. It's not right. The good people of New Hampshire don't deserve it for a small minority that goes on here. We do not want to be like everyone else. We demand that marriage be between one man one woman and keep your choices in the bedroom. In closing, I'm sure some are happy, I ask all New Hampshire residents to hold people accountable for pushing civil unions on to the great people of New Hampshire, without no say. This is a marriage. Who we trying to kid? In 2008, we will come back and repeal this bill. I guarantee it. So don't get too comfortable. I ask you to put your party platform aside, all of you, and vote for the people of New Hampshire by opposing this gay civil unions. Thank you.

**Speaker:** Will the member yield to a question? The member does not yield. The question before the House is on Ought to Pass with Amendment. The House will be in order. The question before the House is on the committee report of Ought to Pass with Amendment. A roll call has been requested and sufficiently seconded. We are down to the last speaker. I would ask members to please quietly take their seats. The Chair recognizes the member from Somersworth, Dana Hilliard. Please quietly take your seats.

**Rep. Hilliard:** Thank you, Madam Speaker. It's been a long morning, Madam Speaker. As most of you in this Honorable body are aware, I am a high school teacher. I am used to talking for 90 minutes three times a day. I assure you I will not do that. We'll keep all of you happy and I'm going to try and break my record as far as a lesson goes this morning. I'll have to agree with some of the opposition. This isn't about business. This isn't about marriage. You're right it's about something higher. It's about something a little bit more pertinent. It's about something that we identify all as ourselves; all of us together as a collective body. It's about something that holds us together as Americans. It's not about a fight that has been in existence or a battle for 20 years. This thought started, believe it or not, over 400 years ago. Quick history lesson: late 1600's things in Europe got shaken up a little bit by a gentlemen by the name of John Locke when he wrote this famous book called The Two Treatises on Government. Underneath that, Locke talked about this brand new concept called inalienable rights. Locke referred to these rights as life, liberty and property. Bringing you back across the Atlantic - In June of 1776 this gentleman stood up in the 2<sup>nd</sup> Continental Congress, a gentleman by the name of Richard Henry Lee, a delegate from Virginia, and called for a Declaration of Independence. Of course that legislative body like us did the norm, assigned it to a committee for study. The committee then of course did the norm which we like to do, look for the volunteer for who was going to write it. At that point, this 33 year old redhead aristocrat stands up and says, "I'll do it." Thank you, Thomas Jefferson. See, Thomas Jefferson was a scholar of Locke in theory. Mr. Jefferson wrote that document. On his own and with a few editorial changes, he produced the greatest human manifesto that has ever been written in western civilization. Mr. Jefferson tweaked Locke in theory a little bit and included life, liberty and the pursuit of happiness. With Lockean theory he included that these are inalienable rights, God given rights, the right of the pursuit of happiness. This is what we identify, us, ourselves, as being part of American. This is the fabric of our foundation; such the fabric of the foundation of the citizens of this state that we included it in Article 2 of the New Hampshire constitution. This is part of who

we are. This is part of what we are committed to. This is part of what we are all about. Today is about the right thing to do. It is about ensuring that we will stand up for inalienable rights for everyone. This country has gone through tremendous growing pains in the past 231 years; the growing pains of civil rights. In July 1776 when we adopted that Declaration of Independence, when we adopted the foundation of who we are, we knew it was going to encompass growing pains. We knew it was going to be a venture to get there. Our history has been plagued with racism. Our history has been plagued with injustice, yet at the end of the day we are still trying to get there. We are still committed to that promise. We are committed to that promise as New Hampshire citizens. We are committed to that promise as American citizens. Why? Because it is the right thing to do; because it is who we identify ourselves as; standing up for those inalienable rights for all. Today is about the current generation of New Hampshire citizens being able to enjoy that promise that we inscribed on that document on July 4, 1776. It's about the future generations of this state being able to partake in that promise. Our state motto "Live Free or Die" is a reflection of this. It is a reflection of the promise that we set forth in our revolution. If we are not willing to deliver on that promise, colleagues, then I ask you, what are we all about? What are we all about as a state? What are we all about as a nation? What are we all about as a people? Now I love activities as a teacher so I would like to indulge you to look at your neighbor to your right, look deep into their eyes and say the following: "You are not worthy." Now look to your left. Look into their eyes and say the following: "You are not worthy." Because by not supporting this today, that's what you are saying. You are not worthy.

**Speaker:** Will the member please suspend? I want to repeat Mason's 124.3 which is that you may not assign motives to other peoples' action during floor debate.

**Rep. Hilliard:** Point well taken, Madam Speaker. Great classroom management. Do the right thing today. We set forth great motions with that document. I believe in that document. I believe in the ideals that we stand up for as a state. I believe in the ideals that we stand up for as a nation. I would be willing to sacrifice my life for those ideals. I know that everyone in this body believes that we are all equal. Carry forward on that promise today. Push the green button. Thank you, Madam Speaker.

**Speaker:** Will the member yield to a question? The member does not yield. The question before the House is on the committee report of Ought of Pass with Amendment. A roll call has been requested by Rep. Carson and it has been sufficiently seconded. Will the members please take their seats? The question before the House is on the committee report of Ought to Pass with Amendment. This is a roll call vote. If you're in favor of that, you'll be pressing the green button. If you're opposed, you'll be pressing the red button and I would please ask you to stay in your seats. Voting stations are now open for 30 seconds. The House will be attentive to the state of the vote. 243 having voted in the affirmative, 129 in the negative, the committee report is adopted.

The Chair recognizes Rep. Splaine. For what purpose does the member rise? Rep. Splaine moves reconsideration on HB 437 and is recognized to speak to his motion.

**Rep. Splaine:** Madam Speaker. If I am very proud of the equality that the New Hampshire legislature has just given by its vote to the residents of New Hampshire on this historic vote, would I say no?

**Speaker:** The question before the House is on the motion to reconsider HB 437. Are you ready for the question? All those in favor say Aye. All those opposed Nay. The Nays have it. Reconsideration fails.

## REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

**HB 518-FN**, relative to establishing reciprocity for liability limitations on claims against the state and against foreign jurisdictions. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony R. DiFruscia for Judiciary: The purpose of this bill was to begin the process of establishing reciprocal arrangements with other states to limit the liability of each when sued for damages in another. The exposure to damages of each state enacting this or any substantially identical bill would be limited to the statutory limit (if any) enacted by that state, regardless of in which other participating state it was sued. In the case of New Hampshire this would mean that, when sued in the courts of any other participating state, its exposure would be limited to the current statutory cap of \$250,000 establishing by RSA 541-B:14, the same limit to which it is exposed when sued in the courts of this state. Several objections to this bill were raised, which included its confusing wording, the questions of why other states would wish to limit the recovery rights of its citizens to a cap so low as that of New Hampshire, and the constitutionality – notwithstanding

decisions of our Supreme Court upholding it – of any statutory cap on damage awards, given the right expressed in Article 14 of our Bill of Rights that every subject of the state is entitled to have recourse to a complete remedy of all injuries. Vote 16-0.

Committee report adopted.

**HB 554**, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office in Concord. **OUGHT TO PASS.**

Rep. Frances D. Potter for Judiciary: Concord area residents needing legal assistance are served by the Legal Assistance Office in Manchester which is stretched thin. NH Legal Assistance has a proven record in easing state and local budgets by helping clients obtain SSI benefit, Medicare coverage, town/city welfare payments and child support in domestic violence cases. The poor and the near-poor (those with incomes at or below the basic needs budget) must often represent themselves in court proceedings – a daunting role – especially for the growing population of elderly. HB 554 has no FN since it only provides for the distribution of existing funds from the civil legal services fund in the office of the state treasurer. Vote 16-1.

Committee report adopted and ordered to third reading.

**HB 577-FN**, establishing the number of associate justices of the superior court. **OUGHT TO PASS.**

Rep. Lucy M. Weber for Judiciary: This bill requested by the Supreme Court would increase the number of justices on the Superior Court from 21 to 23. In support of the bill, the court produced a weighted case study showing that, even with the transfer of domestic cases to the Family Court, the Superior Court would require 23.8 associate justices to keep up with the case load. The request was for only two additional associate justices. Vote 16-1.

Committee report adopted.

Referred to the Committee on Finance.

**HB 612-FN**, relative to coercion of abortion on a minor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Philip Preston for the Majority of Judiciary: This bill makes anyone who uses or threatens the use of force to make a minor undergo an abortion guilty of a class A felony. It makes a person guilty of a class B felony if he or she uses coercion to induce a minor to have an abortion. Although the committee believed that coercion and the use or threat of physical force in order to procure this type of medical procedure is inappropriate and unjustifiable, it also believed that existing criminal statutes covering simple assault and criminal threatening adequately address the issues raised by the sponsor. Thus the committee decided that additional legislation is unnecessary. Vote 13-4.

Rep. Nancy J. Elliott for the Minority of Judiciary: This bill establishes a class A felony if a person uses or threatens the use of physical force against a pregnant minor under 18 years of age in order to force the minor to have an abortion. The bill also establishes a class B felony if a person uses coercion to induce such a minor to have an abortion against her will. There was substantial testimony in committee that there is abuse happening in this state, both physical and psychological. We currently do not have laws that would make this aggressive behavior a crime. As the decision to have an abortion has far reaching consequences, the minority feels that this bill should be passed to protect the girls of this state.

Reps. Nancy Elliott and Dumaine spoke against.

Rep. Philip Preston spoke in favor.

Rep. Nancy Elliott requested a roll call; sufficiently seconded.

**YEAS 268 NAYS 99**

**YEAS 268  
BELKNAP**

Allen, Janet  
Nedeau, Stephen

Heald, Bruce  
Pilliod, James

Millham, Alida  
Reever, Judith

Morrison, Gail

**CARROLL**

Bridgham, Robert  
Cunningham, Howard

Buco, Thomas  
Heard, Virginia

Butler, Edward  
Knox, J. David

Chandler, Gene  
Patten, Betsey

**CHESHIRE**

Burrige, Delmar  
Chase, William  
Hunt, John  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Lerandeau, Alfred  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Robertson, Timothy

Butynski, William  
Espieffs, Peter  
Plifka, Stanley Jr  
Sad, Tara

**COOS**

Hatch, William  
Merrick, Evalyn

Ingersoll, Paul Sr  
Merrick, Scott

King, Frederick  
Stohl, Eric

Mears, Edgar  
Thomas, Yvonne

**GRAFTON**

Almy, Susan  
Bulis, Lyle  
Gionet, Edmond  
Matheson, Robert  
Pierce, David  
Williams, Burton

Andersen, Gene  
Cooney, Mary  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Benn, Bernard  
Estes, Carole  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Bleyler, Ruth  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon  
Sorg, Gregory

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Cote, David  
Edwards, Andrew  
Fontas, Jeffrey  
Ginsburg, Ruth  
Hackel, Paul  
Hebert, Roger  
Kaelin, Michael  
Knowles, Mary Ann  
Leishman, Peter  
Long, Patrick  
Messier, Irene  
O'Connell, Timothy  
Pilotte, Maurice  
Schulze, Joan  
Simon, Anthony  
Sullivan, Daniel  
Winters, Joel

Beaulieu, Jane  
Chase, Claudia  
Daler, Jennifer  
Emerton, Larry  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Holden, Randolph  
Katsiantonis, George  
Kopka, Angeline  
Levasseur, Nickolas  
Mack, Ron  
Moran, Edward  
O'Neil, James  
Price, Pamela  
Shattuck, Gilman  
Smith, Sandra  
Sysyn, Mary

Beck, Catriona  
Christensen, Chris  
Dokmo, Cynthia  
Essex, David  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Irwin, Anne-Marie  
Kelley, John  
Kurk, Neal  
Levesque, Melanie  
Marshall, Seth  
Movsesian, Lori  
Ober, Russell III  
Reuschel, Michael  
Shaw, Barbara  
Spaulding, Jayne  
Vaillancourt, Steve

Bergin, Peter  
Clemons, Jane  
Drisko, Richard  
Fletcher, Richard  
Garrity, Patrick  
Graham, John  
Harvey, Suzanne  
Jean, Claudette  
Knowles, John  
Lasky, Bette  
Lisle, Carolyn  
McRae, Karen  
O'Brien, Michael Sr  
Peterson, Andy  
Rosenwald, Cindy  
Shaw, Kimberly  
Spratt, Stephen  
Velez, Hector

**MERRIMACK**

Anderson, Eric  
Bouchard, Candace  
Davis, Frank  
Foos, Robert  
Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reardon, Tara  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Lockwood, Priscilla  
Owen, Derek  
Reed, Dennis  
Tilton, Joy  
Webb, Leigh

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kelly, Sally  
MacKay, James  
Porter, Margaret  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kidder, David  
McMahon, Patricia  
Potter, Frances  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

**ROCKINGHAM**

Abbott, Dennis  
Buxton, Donald  
Charron, Gene  
Flockhart, Eileen  
Henson, John

Allen, Mary  
Cali-Pitts, Jacqueline  
Day, Judith  
Gould, Kenneth  
Howard, Doreen

Borden, David  
Case, Frank  
DiFruscia, Anthony  
Griffin, Mary  
Ingram, Russell

Brown, C. Pennington  
Casey, Kimberly  
Flanders, John Sr  
Grote, Otto  
Katsakiores, George

Kelley, Jane  
Major, Norman  
McKenna, Daniel  
Moore, Benjamin  
Pantelakos, Laura  
Robertson, Carl  
Splaine, James

Kennedy, James  
Marsh, Michael  
McKinney, Betsy  
Moore, Bennett  
Powers, James  
Russell, Trinka  
Wells, Roger

Kepner, Susan  
McEachern, Paul  
McMahon, Charles  
Nord, Susi  
Preston, Mark  
Serlin, Christopher  
Wickson, Rick

Lister, Charlotte  
McGuirk, Thomas  
Moody, Marcia  
O'Keefe, Peter  
Priestley, Anne  
Snow, Richard  
Winchell, George

### STRAFFORD

Berube, Roger  
Brown, Jennifer  
Cyr, James  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brennan, William  
Browne, Brendon  
Domingo, Baldwin  
Hilliard, Dana  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, George  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

### NAYS 99

### BELKNAP

Boyce, Laurie  
Thomas, John  
Whalley, Michael

Clark, Charles  
Tilton, Franklin  
Wood, Jane

Flanders, Donald  
Tobin, William

Russell, David  
Wendelboe, Fran

### CARROLL

Brown, Carolyn  
Stevens, Stanley

Denley, William

Martin, James

Merrow, Harry

### CHESHIRE

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

### COOS

Remick, William

Tholl, John Jr

### GRAFTON

Dingman, Vernon III

Eaton, Stephanie

Ingbretson, Paul

### HILLSBOROUGH

Barry, Richard  
Christiansen, Lars  
Daniels, Gary  
Haley, Robert  
Hogan, Edith  
Judy, Jean  
Mooney, Maureen  
Rowe, Robert  
Ulery, Jordan

Batula, Peter  
Clark, Mark  
Day, Russell  
Hansen, Ryan  
Hunter, Bruce  
L'Heureux, Robert  
Ober, Lynne  
Smith, David  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Coughlin, Pamela  
Elliott, Nancy  
Hawkins, Ken  
Infantine, William  
Lawrence, James  
Reeves, Sandra  
Soucy, Connie

Brunelle, Michael  
Crane, Elenore Casey  
Haefner, Robert  
Hinkle, Peyton  
Jasper, Shawn  
Martineau, Jesse  
Renzullo, Andrew  
Stepanek, Stephen

### MERRIMACK

Hess, David

Humphries, Charlie

### ROCKINGHAM

Baldasaro, Alfred  
Camm, Kevin

Belanger, Ronald  
Carson, Sharon

Bettencourt, David  
Dalrymple, David

Bishop, Franklin  
Devine, James



Dumaine, Dudley  
 Garcia, Marilinda  
 Hopfgarten, Paul  
 Kappler, Lawrence  
 Nowe, Ronald  
 Rausch, James  
 Waterhouse, Kevin

Elliott, Robert  
 Garrity, James  
 Introne, Robert  
 Katsakiores, Phyllis  
 Packard, Sherman  
 Reagan, John  
 Weare, Everett

Emiro, Frank  
 Guthrie, Joseph  
 Itse, Daniel  
 Lund, Howie  
 Quandt, Marshall  
 Sanders, Elisabeth  
 Welch, David

Forsing, Robert  
 Headd, James  
 Johnson, Robert  
 McCarthy, Linda  
 Quandt, Matthew  
 Stiles, Nancy  
 Weyler, Kenneth

### STRAFFORD

Brown, Julie

Hofemann, Roland

### SULLIVAN

Donovan, Thomas

Rodeschin, Beverly

and the majority committee report was adopted.

#### **HB 614-FN**, relative to eminent domain. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Judiciary: This bill attempts to redefine the term “public use” in the statutes and codify the constitutional language adopted last year found in Part 1, Article 12-a. Last session, the House and Senate had separate task forces to study eminent domain legislation in light of the *Kelo v New London* US Supreme Court decision. Additionally, the House had a subcommittee that extensively studied eminent domain legislation. Last session’s legislature carefully defined the term “public use” for the first time in the New Hampshire statutes and carefully crafted constitutional language to further protect private property from unlawful government takings. The changes to the statute became effective on January 1, 2007 and the constitutional language was adopted by the voters in November 2006. The committee felt the changes in HB 614 are premature in light of the statutory revisions made last session. Vote 17-1. Committee report adopted.

#### **HB 615-FN**, relative to the locations of superior courts, district courts, and the judicial branch family division. **INEXPEDIENT TO LEGISLATE.**

Rep. David J. Bettencourt for Judiciary: This legislation as originally referred to the committee would have vastly changed where superior and district courts throughout New Hampshire would or could be physically located. While the majority was sympathetic to the predicament in Cheshire County, as detailed by the sponsor, we believed that the original methodology in locating the courts in the current locations was sound and carefully crafted. We further believed that the particular issue raised could be dealt with individually. Vote 13-4. Committee report adopted.

#### **HB 744-FN**, relative to informed consent before abortion. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bette R. Lasky for the Majority of Judiciary: This bill would require informed consent before a woman procures an abortion. Health care service providers now carefully follow all legal and regulatory requirements and RSA 332-I:32 already mandates informed consent and protects the rights of patients to be fully informed. The majority of the committee felt HB 744 would establish government intrusion into the relationship between a health care professional and the patient and would impose an undue burden by requiring a 24 hour waiting period. Also, the testimony given by many who stated that they had not been informed sufficiently was generally 20 years old. Vote 12-5.

Rep. Nancy J. Elliott for the Minority of Judiciary: This bill requires informed consent before a woman procures an abortion unless it is a medical emergency. The bill requires the Commissioner of the Department of Health and Human Services to publish printed materials relative to options available to the woman. This information shall also be available on the internet. Information is always a good thing. We heard many women discuss the less than favorable outcomes of their abortions due to misleading information or no information at all. Given that women in our state have suffered consequences in our abortion clinics that could have been avoided if they had been given the necessary information; the minority feels that we should pass this legislation.

Rep. Dumaine spoke against.

Reps. Lasky and Mitchell spoke in favor.

Rep. Rowe requested a roll call; sufficiently seconded.

**YEAS 276 NAYS 88****YEAS 276****BELKNAP**

Allen, Janet  
Pilliod, James

Arsenault, Beth  
Reever, Judith

Millham, Alida

Morrison, Gail

**CARROLL**

Bridgham, Robert  
Cunningham, Howard  
Merrow, Harry

Buco, Thomas  
Heard, Virginia  
Patten, Betsey

Butler, Edward  
Knox, J. David

Chandler, Gene  
Martin, James

**CHESHIRE**

Allen, Peter  
Chase, William  
Hunt, John  
Richardson, Barbara  
Weber, Lucy

Burridge, Delmar  
Dunn, J. Timothy  
Lerandeau, Alfred  
Roberts, Kris  
Weed, Charles

Butcher, Suzanne  
Eaton, Daniel  
Mitchell, Bonnie  
Robertson, Timothy

Butterworth, Timothy  
Espieffs, Peter  
Plifka, Stanley Jr  
Sad, Tara

**COOS**

Hatch, William  
Merrick, Evalyn  
Thomas, Yvonne

Ingersoll, Paul Sr  
Merrick, Scott

King, Frederick  
Stohl, Eric

Mears, Edgar  
Theberge, Robert

**GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

Almy, Susan  
Bulis, Lyle  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Andersen, Gene  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon  
Williams, Burton

**HILLSBOROUGH**

Baroody, Benjamin  
Bergin, Peter  
Clemons, Jane  
Dokmo, Cynthia  
Essex, David  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Irwin, Anne-Marie  
Katsiantonis, George  
Kopka, Angeline  
Levasseur, Nickolas  
Mack, Ron  
Movsesian, Lori  
Ober, Russell III  
Reeves, Sandra  
Shattuck, Gilman  
Smith, David  
Sullivan, Daniel  
Winters, Joel

Barry, Richard  
Brunelle, Michael  
Cote, David  
Drisko, Richard  
Fletcher, Richard  
Garrity, Patrick  
Graham, John  
Harvey, Suzanne  
Jean, Claudette  
Kelley, John  
Kurk, Neal  
Levesque, Melanie  
Marshall, Seth  
O'Brien, Michael Sr  
Peterson, Andy  
Reuschel, Michael  
Shaw, Barbara  
Smith, Sandra  
Sysyn, Mary

Beaulieu, Jane  
Chase, Claudia  
Daler, Jennifer  
Edwards, Andrew  
Fontas, Jeffrey  
Ginsburg, Ruth  
Hackel, Paul  
Hebert, Roger  
Judy, Jean  
Knowles, John  
Lasky, Bette  
Lisle, Carolyn  
McRae, Karen  
O'Connell, Timothy  
Pilotte, Maurice  
Rosenwald, Cindy  
Shaw, Kimberly  
Spaulding, Jayne  
Vaillancourt, Steve

Beck, Catriona  
Christensen, Chris  
Day, Russell  
Emerton, Larry  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Holden, Randolph  
Kaelin, Michael  
Knowles, Mary Ann  
Leishman, Peter  
Long, Patrick  
Messier, Irene  
O'Neil, James  
Price, Pamela  
Schulze, Joan  
Simon, Anthony  
Spratt, Stephen  
Velez, Hector

**MERRIMACK**

Anderson, Eric  
Bouchard, Candace  
Davis, Frank  
Foote, Robert

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent

Hager, Elizabeth  
Kidder, David  
McMahon, Patricia  
Potter, Frances  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Hamm, Christine  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reardon, Tara  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Hess, David  
Lockwood, Priscilla  
Owen, Derek  
Reed, Dennis  
Tilton, Joy  
Webb, Leigh

Kelly, Sally  
Mackay, James  
Porter, Margaret  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
Buxton, Donald  
Casey, Kimberley  
Emiro, Frank  
Griffin, Mary  
Howard, Doreen  
Kennedy, James  
Marsh, Michael  
McKenna, Daniel  
Nord, Susi  
Preston, Mark  
Serlin, Christopher  
Wells, Roger

Allen, Mary  
Cali-Pitts, Jacqueline  
Charron, Gene  
Flanders, John Sr  
Grote, Otto  
Johnson, Robert  
Kepner, Susan  
McCarthy, Linda  
McKinney, Betsy  
O'Keefe, Peter  
Priestley, Anne  
Snow, Richard  
Winchell, George

Borden, David  
Camm, Kevin  
Day, Judith  
Flockhart, Eileen  
Guthrie, Joseph  
Katsakiores, George  
Lister, Charlotte  
McEachern, Paul  
Moody, Marcia  
Pantelakos, Laura  
Robertson, Carl  
Splaine, James

Brown, C. Pennington  
Case, Frank  
DiFruscia, Anthony  
Gould, Kenneth  
Henson, John  
Kelley, Jane  
Major, Norman  
McGuirk, Thomas  
Moore, Bennett  
Powers, James  
Russell, Trinka  
Weare, Everett

### STRAFFORD

Berube, Roger  
Brown, Jennifer  
Cyr, James  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brennan, William  
Browne, Brendon  
Domingo, Baldwin  
Hilliard, Dana  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, George  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

### NAYS 88

#### BELKNAP

Boyce, Laurie  
Nedeau, Stephen  
Wendelboe, Fran

Clark, Charles  
Russell, David  
Whalley, Michael

Flanders, Donald  
Tilton, Franklin  
Wood, Jane

Heald, Bruce  
Tobin, William

### CARROLL

Brown, Carolyn

Denley, William

Stevens, Stanley

### CHESHIRE

Butynski, William

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

### COOS

Remick, William

Tholl, John Jr

### GRAFTON

Dingman, Vernon III  
Sorg, Gregory

Eaton, Stephanie

Gionet, Edmond

Ingbretson, Paul

**HILLSBOROUGH**

Batula, Peter  
 Daniels, Gary  
 Hansen, Ryan  
 Hunter, Bruce  
 Lawrence, James  
 Ober, Lynne  
 Stepanek, Stephen

Bergeron, Jean-Guy  
 Elliott, Nancy  
 Hawkins, Ken  
 Infantine, William  
 Martineau, Jesse  
 Renzullo, Andrew  
 Ulery, Jordan

Christiansen, Lars  
 Haefner, Robert  
 Hinkle, Peyton  
 Jasper, Shawn  
 Mooney, Maureen  
 Rowe, Robert  
 Villeneuve, Maurice

Coughlin, Pamela  
 Haley, Robert  
 Hogan, Edith  
 L'Heureux, Robert  
 Moran, Edward  
 Soucy, Connie

**MERRIMACK**

Humphries, Charlie

**ROCKINGHAM**

Baldasaro, Alfred  
 Devine, James  
 Garcia, Marilinda  
 Ingram, Russell  
 Katsakiores, Phyllis  
 Nowe, Ronald  
 Rausch, James  
 Waterhouse, Kevin

Bettencourt, David  
 Dumaine, Dudley  
 Garrity, James  
 Introne, Robert  
 Lund, Howie  
 Packard, Sherman  
 Reagan, John  
 Welch, David

Carson, Sharon  
 Elliott, Robert  
 Headd, James  
 Itse, Daniel  
 McMahon, Charles  
 Quandt, Marshall  
 Sanders, Elisabeth  
 Weyler, Kenneth

Dalrymple, David  
 Forsing, Robert  
 Hopfgarten, Paul  
 Kappler, Lawrence  
 Moore, Benjamin  
 Quandt, Matthew  
 Stiles, Nancy  
 Wickson, Rick

**STRAFFORD**

Hofemann, Roland

**SULLIVAN**

Donovan, Thomas  
 Rodeschin, Beverly  
 and the majority committee report was adopted.

**HB 791-FN**, relative to religious freedom and civil marriage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bette R. Lasky for the Majority of Judiciary: This bill would have removed the marriage prohibition for same gender couples. The committee felt for a myriad of reasons that the bill as written was not ready to be passed. The committee chose to amend the entire bill and replace it with a commission to study the legal and social effects of permitting same gender marriage. While some in the majority of the committee strongly believes in marriage equality, we feel that too many legal questions and concerns are still unanswered. With the establishment of a commission which will seriously study all the ramifications of same gender marriages and all the marriage statutes we believe true equality can be achieved. Vote 15-5.

Rep. Nancy J. Elliott for the Minority of Judiciary: The minority feels that marriage should be between a man and a woman. Additionally, civil unions will most likely pass giving the protections that were sought. The minority also feels this issue was studied extensively in the last commission and that the expense of an additional commission is unnecessary.

**Majority Amendment (0954h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the legal and social effects of permitting same gender marriage.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study the legal and social effects of permitting same gender marriage.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Four members of the house of representatives, at least 2 of whom shall be members of the judiciary committee, appointed by the speaker of the house of representatives.

(b) Four members of the senate, appointed by the president of the senate.

(c) One representative of the governor's office, appointed by the governor.

(d) Four public members, 2 of whom shall be appointed by the speaker of the house of representatives and 2 of whom shall be appointed by the president of the senate.

(e) An attorney who specializes in family law, appointed by the New Hampshire Bar Association.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study the legal and social effects of permitting same gender marriage. The commission shall compile information on the legal and social effects of legislative acts and judicial decisions to permit same gender marriage. The commission's study shall include, but not be limited to, the collection and analysis of data to determine the legal and societal changes which have occurred in other jurisdictions as a result of permitting same gender marriage.

4 Chairperson; Quorum; Hearing and Meetings.

I. The commission shall choose a chairperson, vice-chairperson, and clerk at its first meeting. The clerk shall keep a complete record of the proceedings of the commission and may call upon the resources of the legislature for assistance.

II. The first meeting of the commission shall be called by the first-named house member and shall be held within 45 days of the effective date of this section. A majority of the members of the commission shall constitute a quorum.

III. The commission shall hold no fewer than 3 public hearings in different parts of the state. Notice of all commission meetings and hearings shall be printed in the house and senate calendars. Commission meetings and hearings shall be open to the public and shall be subject to the requirements of RSA 91-A:2.

5 Report. The commission shall make a final report to the speaker of the house of representatives and the senate president on or before December 1, 2008.

6 Effective Date. This act shall take effect June 30, 2007.

#### AMENDED ANALYSIS

This bill establishes a commission to study the legal and social effects of permitting same gender marriage.

Rep. Vaillancourt spoke against.

Rep. Lasky spoke in favor and yielded to questions.

On a division vote, 245 members having voted in the affirmative and 120 in the negative, the majority committee amendment was adopted.

#### MOTION TO LAY ON THE TABLE

Rep. Hunt moved that **HB 791-FN**, establishing a commission to study the legal and social effects of permitting same gender marriage, be laid on the table.

On a division vote, 158 members having voted in the affirmative and 207 in the negative, the motion failed.

Rep. Wendelboe offered floor amendment (1011h).

#### Floor Amendment (1011h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to marriage.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Legally Recognized Marriage. Amend RSA 457 by inserting after section 2 the following new section:

457:2-a Legally Recognized Marriage. A marriage between one man and one woman shall be the only legal marriage that shall be valid or recognized in this state.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes that a marriage between one man and one woman shall be the only legal marriage that shall be valid or recognized in this state.

Rep. Wendelboe spoke in favor and yielded to questions.

Rep. Weber spoke against.

Rep. Wendelboe requested a roll call; sufficiently seconded.

**YEAS 148 NAYS 219****YEAS 148****BELKNAP**

Allen, Janet  
Heald, Bruce  
Tilton, Franklin  
Wood, Jane

Boyce, Laurie  
Nedeau, Stephen  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Flanders, Donald  
Thomas, John  
Whalley, Michael

**CARROLL**

Brown, Carolyn  
Martin, James

Chandler, Gene  
Morrow, Harry

Denley, William  
Patten, Betsey

Knox, J. David  
Stevens, Stanley

**CHESHIRE**

Butynski, William  
Pelkey, Stephen

Emerson, Susan

Hunt, John

Johnson, Jane

**COOS**

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Bulis, Lyle  
Ingbreton, Paul

Dingman, Vernon III  
Sorg, Gregory

Eaton, Stephanie  
Williams, Burton

Gionet, Edmond

**HILLSBOROUGH**

Barry, Richard  
Christiansen, Lars  
Day, Russell  
Emerton, Larry  
Haefner, Robert  
Hinkle, Peyton  
Infantine, William  
L'Heureux, Robert  
Moran, Edward  
Ober, Russell III  
Renzullo, Andrew  
Smith, David  
Ulery, Jordan

Batula, Peter  
Coughlin, Pamela  
Dokmo, Cynthia  
Fletcher, Richard  
Haley, Robert  
Hogan, Edith  
Jasper, Shawn  
Lawrence, James  
O'Connell, Timothy  
Peterson, Andy  
Rowe, Robert  
Soucy, Connie  
Velez, Hector

Bergeron, Jean-Guy  
Crane, Elenore Casey  
Drisko, Richard  
Gargas, Carolyn  
Hansen, Ryan  
Holden, Randolph  
Jeudy, Jean  
McRae, Karen  
O'Neil, James  
Price, Pamela  
Schulze, Joan  
Stepanek, Stephen  
Villeneuve, Maurice

Christensen, Chris  
Daniels, Gary  
Elliott, Nancy  
Graham, John  
Hawkins, Ken  
Hunter, Bruce  
Kurk, Neal  
Mooney, Maureen  
Ober, Lynne  
Reeves, Sandra  
Simon, Anthony  
Sullivan, Daniel

**MERRIMACK**

Anderson, Eric  
Reed, Dennis

DeStefano, Stephen

Hess, David

Humphries, Charlie

**ROCKINGHAM**

Allen, Mary  
Camm, Kevin  
Dalrymple, David  
Elliott, Robert  
Garrity, James  
Hopfgarten, Paul  
Johnson, Robert  
Lund, Howie  
Moore, Benjamin  
Quandt, Marshall  
Sanders, Elisabeth  
Welch, David  
Winchell, George

Baldasaro, Alfred  
Carson, Sharon  
Devine, James  
Emiro, Frank  
Griffin, Mary  
Ingram, Russell  
Kappler, Lawrence  
Major, Norman  
Nowe, Ronald  
Quandt, Matthew  
Stiles, Nancy  
Wells, Roger

Bettencourt, David  
Case, Frank  
DiFruscia, Anthony  
Forsing, Robert  
Guthrie, Joseph  
Introne, Robert  
Katsakiores, George  
McKinney, Betsy  
Packard, Sherman  
Rausch, James  
Waterhouse, Kevin  
Weyler, Kenneth

Buxton, Donald  
Charron, Gene  
Dumaine, Dudley  
Garcia, Marilinda  
Headd, James  
Itse, Daniel  
Katsakiores, Phyllis  
McMahon, Charles  
Priestley, Anne  
Reagan, John  
Weare, Everett  
Wickson, Rick

**STRAFFORD**

Berube, Roger	Goodwin, Earle	Hofemann, Roland	Sprague, Dale
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**SULLIVAN**

Donovan, Thomas	Rodeschin, Beverly
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**NAYS 219****BELKNAP**

Arsenault, Beth	Millham, Alida	Morrison, Gail	Pilliod, James
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Reever, Judith
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**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
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Heard, Virginia
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**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Chase, William	Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter
Lerandeau, Alfred	Mitchell, Bonnie	Plifka, Stanley Jr	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weber, Lucy

Weed, Charles
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**COOS**

Hatch, William	Ingersoll, Paul Sr	Mears, Edgar	Merrick, Evalyn
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Merrick, Scott
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Theberge, Robert
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Thomas, Yvonne
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**GRAFTON**

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Estes, Carole	Friedrich, Carol
Hammond, Lee	Harding, A Laurie	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David

Preston, Philip
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Solomon, Peter
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**HILLSBOROUGH**

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Bergin, Peter
Brunelle, Michael	Campbell, David	Chase, Claudia	Clemons, Jane
Cote, David	Daler, Jennifer	Edwards, Andrew	Essex, David
Fontas, Jeffrey	Forest, Armand	Foster, Linda	Garrity, Patrick
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Hackel, Paul
Hall, Betty	Hammond, Jill	Harvey, Suzanne	Hebert, Roger
Irwin, Anne-Marie	Jean, Claudette	Kaelin, Michael	Katsiantonis, George
Kelley, John	Knowles, John	Knowles, Mary Ann	Kopka, Angeline
Lasky, Bette	Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie
Lisle, Carolyn	Long, Patrick	Mack, Ron	Marshall, Seth
Martineau, Jesse	Messier, Irene	Movsesian, Lori	O'Brien, Michael Sr
Pilotte, Maurice	Reuschel, Michael	Rosenwald, Cindy	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Smith, Sandra	Spaulding, Jayne
Spratt, Stephen	Sysyn, Mary	Vaillancourt, Steve	Winters, Joel

Spratt, Stephen
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Sysyn, Mary
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Vaillancourt, Steve
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**MERRIMACK**

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	Ehlers, Eileen	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Kelly, Sally	Kidder, David	Kjellman, Eleanor Glynn	Lockwood, Priscilla
MacKay, James	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Porter, Margaret	Potter, Frances	Reardon, Tara	Richardson, Gary
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary	Walz, Mary	Webb, Leigh	Wheeler, Deborah
Williams, Robert	Yeaton, Charles		

Williams, Robert
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Yeaton, Charles
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Webb, Leigh
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Wheeler, Deborah
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**ROCKINGHAM**

Abbott, Dennis	Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline
Casey, Kimberley	Day, Judith	Flanders, John Sr	Flockhart, Eileen
Gould, Kenneth	Grote, Otto	Henson, John	Howard, Doreen
Kelley, Jane	Kennedy, James	Kepner, Susan	Lister, Charlotte
Marsh, Michael	McCarthy, Linda	McEachern, Paul	McGuirk, Thomas
McKenna, Daniel	Moody, Marcia	Moore, Bennett	Nord, Susi
O'Keefe, Peter	Pantelakos, Laura	Powers, James	Preston, Mark
Robertson, Carl	Russell, Trinka	Serlin, Christopher	Snow, Richard
Splaine, James			

**STRAFFORD**

Billian, Deborah	Brennan, William	Brown, George	Brown, Jennifer
Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
DeChane, Marlene	Domingo, Baldwin	Fargo, Thomas	Grassie, Anne
Hilliard, Dana	Hubbard, Pamela	Hutz, Sarah	Kaen, Naida
Knowles, William	Mickelonis, Shawn	Miller, Joseph	Perry, Robert
Rollo, Deanna	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Vachon, Dennis	Wall, Janet
Warren, Nancy	Watson, Robert		

**SULLIVAN**

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Nielsen, Ellen
Phinizy, James	Skinder, Carla		
and floor amendment (1011h) failed.			
Rep. John Flanders voted Nay and intended to vote Yea.			

The question now being adoption of the majority committee report of Ought to Pass with Amendment.  
Rep. Mooney spoke against.  
Rep. Lasky spoke in favor and yielded to questions.  
Rep. Nancy Elliott requested a roll call; sufficiently seconded.

**YEAS 210 NAYS 160****YEAS 210****BELKNAP**

Arsenault, Beth	Millham, Alida	Morrison, Gail	Pilliod, James
Reever, Judith			

**CARROLL**

Bridgham, Robert	Butler, Edward	Cunningham, Howard	Heard, Virginia
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**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Hunt, John	Lerandeau, Alfred	Mitchell, Bonnie
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

**COOS**

Hatch, William	Ingersoll, Paul Sr	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Theberge, Robert	Thomas, Yvonne	

**GRAFTON**

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Estes, Carole	Friedrich, Carol	Hammond, Lee
Harding, A Laurie	Lovett, Sid	Matheson, Robert	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Pierce, David	Preston, Philip
Solomon, Peter	Sorg, Gregory		



**HILLSBOROUGH**

Beaulieu, Jane  
 Clemons, Jane  
 Edwards, Andrew  
 Garrity, Patrick  
 Graham, John  
 Harvey, Suzanne  
 Jeudy, Jean  
 Knowles, John  
 Levasseur, Nickolas  
 Mack, Ron  
 Movsesian, Lori  
 Rosenwald, Cindy  
 Shaw, Kimberly  
 Velez, Hector

Beck, Catriona  
 Cote, David  
 Essex, David  
 Ginsburg, Ruth  
 Hackel, Paul  
 Hebert, Roger  
 Kaelin, Michael  
 Knowles, Mary Ann  
 Levesque, Melanie  
 Marshall, Seth  
 O'Brien, Michael Sr  
 Schulze, Joan  
 Smith, Sandra

Campbell, David  
 Daler, Jennifer  
 Fontas, Jeffrey  
 Goley, Jeffrey  
 Hall, Betty  
 Irwin, Anne-Marie  
 Katsiantonis, George  
 Kopka, Angeline  
 Lisle, Carolyn  
 Martineau, Jesse  
 Pilotte, Maurice  
 Shattuck, Gilman  
 Spratt, Stephen

Chase, Claudia  
 Dokmo, Cynthia  
 Foster, Linda  
 Gorman, Mary  
 Hammond, Jill  
 Jean, Claudette  
 Kelley, John  
 Lasky, Bette  
 Long, Patrick  
 Messier, Irene  
 Reuschel, Michael  
 Shaw, Barbara  
 Sysyn, Mary

**MERRIMACK**

Baxley, Maureen  
 Brueggemann, Donald  
 Ehlers, Eileen  
 Greco, Vincent  
 Lockwood, Priscilla  
 Porter, Margaret  
 Ryan, Jim  
 Wallner, Mary  
 Yeaton, Charles

Beauchesne, Suzanne  
 Clarke, Claire  
 Foose, Robert  
 Hager, Elizabeth  
 McMahon, Patricia  
 Potter, Frances  
 Shurtleff, Stephen  
 Walz, Mary

Bouchard, Candace  
 Davis, Frank  
 French, Barbara  
 Hamm, Christine  
 Osborne, Jessie  
 Reardon, Tara  
 Tilton, Joy  
 Wheeler, Deborah

Brown, Carole  
 DeJoie, John  
 Gile, Mary  
 Kjellman, Eleanor Glynn  
 Owen, Derek  
 Richardson, Gary  
 Tupper, Frank  
 Williams, Robert

**ROCKINGHAM**

Abbott, Dennis  
 Casey, Kimberley  
 Gould, Kenneth  
 Kelley, Jane  
 McEachern, Paul  
 Moore, Bennett  
 Powers, James  
 Serlin, Christopher

Borden, David  
 Day, Judith  
 Grote, Otto  
 Kennedy, James  
 McGuirk, Thomas  
 Nord, Susi  
 Preston, Mark  
 Snow, Richard

Brown, C. Pennington  
 DiFruscia, Anthony  
 Henson, John  
 Lister, Charlotte  
 McKenna, Daniel  
 O'Keefe, Peter  
 Robertson, Carl  
 Splaine, James

Cali-Pitts, Jacqueline  
 Flockhart, Eileen  
 Howard, Doreen  
 Marsh, Michael  
 Moody, Marcia  
 Pantelakos, Laura  
 Russell, Trinkia

**STRAFFORD**

Billian, Deborah  
 Browne, Brendon  
 Domingo, Baldwin  
 Hilliard, Dana  
 Knowles, William  
 Rollo, Deanna  
 Smith, Marjorie  
 Wall, Janet

Brennan, William  
 Burke, Rachel  
 Fargo, Thomas  
 Hubbard, Pamela  
 Mickelonis, Shawn  
 Rollo, Michael  
 Spang, Judith  
 Warren, Nancy

Brown, Jennifer  
 Cyr, James  
 Goodwin, Earle  
 Hutz, Sarah  
 Miller, Joseph  
 Rous, Emma  
 Sprague, Dale

Brown, Larry  
 DeChane, Marlene  
 Grassie, Anne  
 Kaen, Naida  
 Perry, Robert  
 Schmidt, Peter  
 Vachon, Dennis

**SULLIVAN**

Cloutier, John  
 Gottling, Suzanne  
 Phinizy, James

Converse, Larry  
 Houde, Matthew  
 Skinder, Carla

Franklin, Peter  
 Jillette, Arthur Jr

Gagnon, Raymond  
 Nielsen, Ellen

**NAYS 160****BELKNAP**

Allen, Janet  
 Heald, Bruce  
 Tilton, Franklin  
 Wood, Jane

Boyce, Laurie  
 Nedeau, Stephen  
 Tobin, William

Clark, Charles  
 Russell, David  
 Wendelboe, Fran

Flanders, Donald  
 Thomas, John  
 Whalley, Michael

**CARROLL**

Brown, Carolyn  
Knox, J. David  
Stevens, Stanley

Buco, Thomas  
Martin, James

Chandler, Gene  
Morrow, Harry

Denley, William  
Patten, Betsey

**CHESHIRE**

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

**COOS**

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Andersen, Gene  
Gionet, Edmond

Bulis, Lyle  
Ingbretson, Paul

Dingman, Vernon III  
Williams, Burton

Eaton, Stephanie

**HILLSBOROUGH**

Baroody, Benjamin  
Bergin, Peter  
Coughlin, Pamela  
Drisko, Richard  
Forest, Armand  
Hansen, Ryan  
Holden, Randolph  
Kurk, Neal  
McRae, Karen  
O'Neil, James  
Price, Pamela  
Simon, Anthony  
Stepanek, Stephen  
Villeneuve, Maurice

Barry, Richard  
Brunelle, Michael  
Crane, Elenore Casey  
Elliott, Nancy  
Gargas, Carolyn  
Hawkins, Ken  
Hunter, Bruce  
L'Heureux, Robert  
Mooney, Maureen  
Ober, Lynne  
Reeves, Sandra  
Smith, David  
Sullivan, Daniel  
Winters, Joel

Batula, Peter  
Christensen, Chris  
Daniels, Gary  
Emerton, Larry  
Haefner, Robert  
Hinkle, Peyton  
Infantine, William  
Lawrence, James  
Moran, Edward  
Ober, Russell III  
Renzullo, Andrew  
Soucy, Connie  
Ulery, Jordan

Bergeron, Jean-Guy  
Christiansen, Lars  
Day, Russell  
Fletcher, Richard  
Haley, Robert  
Hogan, Edith  
Jasper, Shawn  
Leishman, Peter  
O'Connell, Timothy  
Peterson, Andy  
Rowe, Robert  
Spaulding, Jayne  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Humphries, Charlie  
Reed, Dennis

Blanchard, Elizabeth  
Kelly, Sally  
Webb, Leigh

DeStefano, Stephen  
Kidder, David

Hess, David  
MacKay, James

**ROCKINGHAM**

Allen, Mary  
Buxton, Donald  
Charron, Gene  
Elliott, Robert  
Garcia, Marilinda  
Guthrie, Joseph  
Introne, Robert  
Katsakiores, George  
Major, Norman  
Moore, Benjamin  
Quandt, Marshall  
Sanders, Elisabeth  
Welch, David  
Winchell, George

Baldasaro, Alfred  
Camm, Kevin  
Dalrymple, David  
Emiro, Frank  
Garrity, James  
Headd, James  
Itse, Daniel  
Katsakiores, Phyllis  
McCarthy, Linda  
Nowe, Ronald  
Quandt, Matthew  
Stiles, Nancy  
Wells, Roger

Belanger, Ronald  
Carson, Sharon  
Devine, James  
Flanders, John Sr  
Gleason, John  
Hopfgarten, Paul  
Johnson, Robert  
Kepner, Susan  
McKinney, Betsy  
Packard, Sherman  
Rausch, James  
Waterhouse, Kevin  
Weyler, Kenneth

Bettencourt, David  
Case, Frank  
Dumaine, Dudley  
Forsing, Robert  
Griffin, Mary  
Ingram, Russell  
Kappler, Lawrence  
Lund, Howie  
McMahon, Charles  
Priestley, Anne  
Reagan, John  
Weare, Everett  
Wickson, Rick

**STRAFFORD**

Berube, Roger

Brown, George

Hofemann, Roland

Watson, Robert

**SULLIVAN**

Donovan, Thomas  
and the majority committee report was adopted.  
Ordered to third reading.

Ferland, Brenda

Rodeschin, Beverly

The House recessed at 1:10 p.m.

## RECESS

(Speaker Norelli in the Chair)

The House reconvened at 2:05 p.m.

### REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

**HB 849**, relative to rent payments by voucher issued by a state or municipal agency. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frances D. Potter for the Majority of Judiciary: The existing statute RSA 540:9-a provides that rent vouchers (promises to pay) from state, county or town agencies shall constitute payment by the tenant of the amount stated in the voucher. Typically such agencies also expect “ordinary and reasonable verification” from the landlord of the requested rental information. HB 849 provides that in any eviction based on non-payment it shall be an affirmative defense that the tenant’s payment was refused or that the landlord hasn’t provided verification. (The gap in the existing law arises when the landlord fails to complete the verification form.) Affected tenants are often destitute and have no way to get a new apartment. Vote 11-6.

Rep. Robert H. Rowe for the Minority of Judiciary: The minority agrees that this bill fills an important requirement for New Hampshire tenants who are financially needy or possibly in a temporary status where they need financial assistance to make their rent payments. The bill insures that landlords cannot evict those tenants just because rent payments are made by a municipal voucher. The objection to the bill is that it gives the many agencies providing the voucher undefined and broad authority to demand information from the landlord that may be an invasion of the property owner’s privacy. The bill should limit or define the tenancy information the landlord must provide, such as a copy of the lease or other specified information.

On a division vote, 209 members having voted in the affirmative and 106 in the negative, the majority committee report was adopted.

Ordered to third reading.

Rep. Blanchard declared a conflict of interest on **HB 849** and did not participate.

**HB 866**, relative to the right-to-know law application to board of tax and land appeals and public utilities commission matters. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Janet G. Wall for the Majority of Judiciary: This bill addresses a unique situation within the Right to Know law. The Public Utilities Commission is a full-time Commission with quasi-judicial functions and is comprised of only three members. The provisions contained in HB 866 will allow the PUC to conduct its business efficiently with a quorum of two in a timely manner. HB 866 would exempt the PUC from certain specific provisions of RSA 91-A. Notwithstanding, the PUC must make their adjudicating proceedings and investigations publicly available. Vote 18-1.

Rep. Nancy J. Elliott for the Minority of Judiciary: This bill as amended exempts the Public Utilities Commission from some of the Right to Know provisions. It is the concern of the minority that we are heading in the wrong direction and weakening the public’s right to know.

### Majority Amendment (0847h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the right-to-know law application to public utilities commission matters.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Public Utilities Commission. Amend RSA 363 by inserting after section 17-b the following new section:

363:17-c Meetings of the Commission. The commission’s deliberative processes in adjudicatory proceedings held pursuant to RSA 541-A and investigations held pursuant to its authority under Title 33 shall be privileged and exempt from the public meeting, notice, and disclosure provisions of RSA 91-A. Decisions and orders in adjudicatory proceedings and investigations shall be publicly available but only after they have been announced at a public meeting or hearing of the commission or reduced to writing, signed by a majority of the commission and served upon the parties.

Discussions and actions by the commission concerning procedural, administrative, legal, and internal matters shall be exempt from the meeting and notice provisions of RSA 91-A:2.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill clarifies certain administrative procedures of the public utilities commission with respect to RSA 91-A.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

**HB 882-FN**, relative to limitations on tort liability of government units. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Anthony R. DiFruscia for the Majority of Judiciary: The bill as amended raises the limits of liability of a governmental unit from 150,000 to 275,000 and from 500,000 to 925,000 per occurrence. The committee amendment is a compromise since the present limits have not been raised since 1986. The bill also raises the tort limits against any agency from 250,000 to 475,000 per claimant to a max of 3,750,000 per incident. The committee felt that this is below the inflation level from 1986 to the present. Vote 12-7.

Rep. Robert H. Rowe for the Minority of Judiciary: This bill will increase the municipal liability caps for bodily injury, personal injury and property damage suits against New Hampshire towns and cities from the current cap of \$150,000 per single incident to \$1,000,000. The bill will increase the aggregate damage limit cap from \$500,000 to \$3,000,000. The bill was sponsored and supported by only one individual. Testimony in objection was made by the municipal association, the office of the attorney general and one selectman. While the purpose of this bill is laudable, this six-fold raise will increase the liability insurance costs to our cities and towns, and may be considered as a unfunded mandate under section 28A of our Constitution.

#### Majority Amendment (0921h)

Amend the bill by replacing all after the enacting clause with the following:

1 Limit of Liability. Amend RSA 507-B:4, I to read as follows:

I. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any one person in actions brought under this chapter is limited to ~~[\$150,000]~~ **\$1,000,000**. Such limit applies in the aggregate to any and all actions to recover for bodily injury, personal injury or property damage arising out of bodily injury, personal injury or property damage sustained by one person in a single incident or occurrence. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any number of persons in a single incident or occurrence is limited to ~~[\$500,000]~~ **\$3,000,000**.

2 Limitation on Action and Claims. Amend RSA 541-B:14, I to read as follows:

I. All claims arising out of any single incident against any agency for damages in tort actions shall be limited to an award not to exceed ~~[\$250,000]~~ **\$1,000,000** per claimant and ~~[\$2,000,000]~~ **\$3,000,000** per any single incident, or the proceeds from any insurance policy procured pursuant to RSA 507-B, whichever amount is greater; except that no claim for punitive damages may be awarded under this chapter.

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill increases the cap for tort liability of governmental units.

Rep. Rowe spoke against.

Reps. Sorg and DiFruscia spoke in favor.

Majority committee amendment failed.

Rep. Gary Richardson offered floor amendment (1002h).

#### Floor Amendment (1002h)

Amend the bill by replacing all after the enacting clause with the following:

1 Limit of Liability. Amend RSA 507-B:4, I to read as follows:

I. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any one person in actions brought under this chapter is limited to ~~[\$150,000]~~ **\$275,000**. Such limit applies in the aggregate to any and all actions to recover for bodily injury, personal

injury or property damage arising out of bodily injury, personal injury or property damage sustained by one person in a single incident or occurrence. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any number of persons in a single incident or occurrence is limited to [~~\$500,000~~] **\$925,000**. *Beginning January 1, 2009, each of the limits stated above shall be increased or decreased annually by an amount that represents the percentage increase or decrease in the consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor, since the last adjustment of such limits. The state treasurer shall determine the adjustment provided for herein on or before January 1 of each year and shall transmit it to the director of the administrative office of the courts. The limits so established shall take effect on January 1 and remain in effect through December 31 of the same year. The limits applicable to any action shall be the limits in effect at the time of judgment.*

2 Limitation on Action and Claims. Amend RSA 541-B:14, I to read as follows:

I. All claims arising out of any single incident against any agency for damages in tort actions shall be limited to an award not to exceed [~~\$250,000~~] **\$475,000** per claimant and [~~\$2,000,000~~] **\$3,750,000** per any single incident, or the proceeds from any insurance policy procured pursuant to RSA 507-B, whichever amount is greater; except that no claim for punitive damages may be awarded under this chapter. *Beginning January 1, 2009, each of the limits stated above shall be increased or decreased annually by an amount that represents the percentage increase or decrease in the consumer price index for all urban consumers, as published by the Bureau of Labor Statistics, United States Department of Labor, since the last adjustment of such limits. The state treasurer shall determine the adjustment provided for herein on or before January 1 of each year and shall transmit it to the director of the administrative office of the courts. The limits so established shall take effect on January 1 and remain in effect through December 31 of the same year. The limits applicable to any action shall be the limits in effect at the time of judgment.*

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill increases the cap for tort liability of governmental units and ties further increases or decreases to the consumer price index.

Rep. Gary Richardson spoke in favor.  
Floor amendment (1002h) was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.  
Rep. Gary Richardson yielded to questions.

On a division vote, 220 members having voted in the affirmative and 118 in the negative, the majority committee report was adopted.  
Ordered to third reading.

**HB 905**, establishing civil unions as legally recognized relationships. **INEXPEDIENT TO LEGISLATE**.

Rep. Bette R. Lasky for Judiciary: This bill was one of a group of bills the committee dealt with regarding same gender marriages. We chose to find this bill inexpedient to legislate and incorporated many of the concepts and ideals into another bill. Vote 19-1.  
Committee report adopted.

**HCR 1**, declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an "adequate education," adopt "standards of accountability," and "guarantee adequate funding" of a public education are not binding on the legislative and executive branches. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gary B. Richardson for the Majority of Judiciary: This resolution requests that the Legislature declare that the Claremont rulings are not binding on the Legislative and Executive branches of government. The majority of the committee believes that under the New Hampshire Constitution the Supreme Court is the final arbiter of the constitutionality of legislative acts. Vote 15-5.  
Rep. Gregory M. Sorg for the Minority of Judiciary: This resolution is identical to that which, as HCR 14, passed the House 213-142 in 2003, but was tabled in the Senate. It declared that the Claremont school funding decisions were not impartial adjudications, but were in fact result-driven

policy choices by the Supreme Court that usurped the authority of the Legislature. The adoption of this resolution would, in the view of the minority, go a long way towards restoring the proper balance of power between the Legislative and Judicial branches.

Rep. Sorg spoke against.

Rep. Gary Richardson spoke in favor.

On a division vote, 242 members having voted in the affirmative and 109 in the negative, the majority committee report was adopted.

**HR 8**, requesting an opinion from the New Hampshire supreme court on certain questions regarding education funding. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lucy M. Weber for the Majority of Judiciary: The resolution would require the justices of the New Hampshire Supreme Court to answer many detailed questions for the entire series of education funding decisions dating back to 1993. The questions include each justice's training in New Hampshire and American history and constitutional law, the bases for the individual justice's nomination and confirmation in addition to the bases for each justice's legal decisions. Article 74, Part II of the New Hampshire Constitution provides that "...the legislature...shall have the authority to require the opinions of the Justices of the Supreme Court upon important questions of law and upon solemn occasions. The majority of the committee did not believe that Article 74 was sufficiently broad to include the information sought in the resolution. Vote 13-7.

Rep. Gregory M. Sorg for the Minority of Judiciary: By this resolution, the House would invoke Article 74 of Part II of the New Hampshire Constitution to require the Supreme Court to answer specific questions concerning the constitutional, historical and factual basis of the conclusion in the Claremont school funding decision that the word "cherish" in Article 83 of Part II creates an individual right to an "adequate" education at state expense. Scholarly articles published since the original Claremont decision was issued in 1993 strongly suggest that the founding generation plainly intended to continue the colonial-era practice of funding public schools 100 percent by means of locally raised properly taxes. This is not to say that this is the best way to fund public education, but only that it is not unconstitutional. The Supreme Court, however, has consistently refused not only to revise its prior rulings in light of this scholarship; it has refused even to address pleadings filed in subsequent Claremont cases that have directed its attention to it. This refusal leaves begging the fundamental issue of the very legitimacy of the Claremont decision, and invites the fundamental question of whether the Court can defend the intrusive role it has carved out for itself in education funding policy. The authority of the Court must not be permitted to control the discretion of the Legislature any further than the force of its reasoning may deserve.

Reps. Sorg and Ingbretson spoke against.

Rep. Itse spoke against and yielded to questions.

Rep. Weber spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

## YEAS 239 NAYS 119

### YEAS 239

#### BELKNAP

Arsenault, Beth  
Reever, Judith

Millham, Alida  
Tobin, William

Morrison, Gail

Pilliod, James

#### CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward  
Martin, James

Cunningham, Howard

#### CHESHIRE

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Robertson, Timothy

Butynski, William  
Espieles, Peter  
Plifka, Stanley Jr  
Sad, Tara

**COOS**

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

King, Frederick  
Thomas, Yvonne

Mears, Edgar

**GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Andersen, Gene  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon  
Williams, Burton

Benn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Cote, David  
Essex, David  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Mack, Ron  
Messier, Irene  
Peterson, Andy  
Rosenwald, Cindy  
Shaw, Barbara  
Spratt, Stephen  
Winters, Joel

Beaulieu, Jane  
Campbell, David  
Coughlin, Pamela  
Fontas, Jeffrey  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Judy, Jean  
Knowles, Mary Ann  
Levesque, Melanie  
Marshall, Seth  
Movsesian, Lori  
Pilotte, Maurice  
Rowe, Robert  
Shaw, Kimberly  
Sysyn, Mary

Beck, Catriona  
Chase, Claudia  
Daler, Jennifer  
Forest, Armand  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Kopka, Angeline  
Lisle, Carolyn  
Martineau, Jesse  
O'Connell, Timothy  
Reuschel, Michael  
Schulze, Joan  
Simon, Anthony  
Vaillancourt, Steve

Bergin, Peter  
Clemmons, Jane  
Edwards, Andrew  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Neil, James  
Rochette, Eric  
Shattuck, Gilman  
Smith, Sandra  
Velez, Hector

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Hess, David  
Lockwood, Priscilla  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kelly, Sally  
MacKay, James  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Bouchard, Candace  
Davis, Frank  
Foote, Robert  
Hager, Elizabeth  
Kidder, David  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Casey, Kimberley  
Gould, Kenneth  
Johnson, Robert  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Serlin, Christopher

Borden, David  
Day, Judith  
Grote, Otto  
Kelley, Jane  
McCarthy, Linda  
Moore, Bennett  
Rausch, James  
Snow, Richard

Brown, C. Pennington  
Flanders, John Sr  
Henson, John  
Kennedy, James  
McEachern, Paul  
Nord, Susi  
Robertson, Carl  
Splaine, James

Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Howard, Doreen  
Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Russell, Trink  
Wells, Roger

**STRAFFORD**

Berube, Roger  
Brown, Jennifer  
Burke, Rachel  
Fargo, Thomas

Billian, Deborah  
Brown, Julie  
Cyr, James  
Goodwin, Earle

Brennan, William  
Brown, Larry  
DeChane, Marlene  
Hilliard, Dana

Brown, George  
Browne, Brendon  
Domingo, Baldwin  
Hofmann, Roland

Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Watson, Robert

Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

### **SULLIVAN**

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

### **NAYS 119**

### **BELKNAP**

Boyce, Laurie  
Nedeau, Stephen  
Whalley, Michael

Clark, Charles  
Russell, David

Flanders, Donald  
Tilton, Franklin

Heald, Bruce  
Wendelboe, Fran

### **CARROLL**

Brown, Carolyn  
Patten, Betsey

Chandler, Gene  
Stevens, Stanley

Denley, William

Morrow, Harry

### **CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

### **COOS**

Merrick, Evalyn

Remick, William

Stohl, Eric

Tholl, John Jr

### **GRAFTON**

Dingman, Vernon III

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

### **HILLSBOROUGH**

Barry, Richard  
Christiansen, Lars  
Dokmo, Cynthia  
Fletcher, Richard  
Hansen, Ryan  
Holden, Randolph  
Kurk, Neal  
Manney, Pamela  
Ober, Lynne  
Smith, David  
Ulery, Jordan

Batula, Peter  
Crane, Elenore Casey  
Drisko, Richard  
Francoeur, Bea  
Hawkins, Ken  
Hunter, Bruce  
L'Heureux, Robert  
McRae, Karen  
Ober, Russell III  
Soucy, Connie  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Daniels, Gary  
Elliott, Nancy  
Graham, John  
Hinkle, Peyton  
Infantine, William  
Lawrence, James  
Mooney, Maureen  
Price, Pamela  
Spaulding, Jayne

Christensen, Chris  
Day, Russell  
Emerton, Larry  
Haefner, Robert  
Hogan, Edith  
Jasper, Shawn  
Levasseur, Nickolas  
Moran, Edward  
Renzullo, Andrew  
Stepanek, Stephen

### **MERRIMACK**

Anderson, Eric

Humphries, Charlie

Reed, Dennis

### **ROCKINGHAM**

Allen, Mary  
Bishop, Franklin  
Case, Frank  
DiFruscia, Anthony  
Garcia, Marilinda  
Guthrie, Joseph  
Introne, Robert  
Katsakiores, Phyllis  
McMahon, Charles  
Quandt, Marshall  
Waterhouse, Kevin  
Wickson, Rick

Baldasaro, Alfred  
Buxton, Donald  
Charron, Gene  
Dumaine, Dudley  
Garrity, James  
Headd, James  
Itse, Daniel  
Lund, Howie  
Nowe, Ronald  
Reagan, John  
Weare, Everett  
Winchell, George

Belanger, Ronald  
Camm, Kevin  
Dalrymple, David  
Elliott, Robert  
Gleason, John  
Hopfgarten, Paul  
Kappler, Lawrence  
Major, Norman  
Packard, Sherman  
Sanders, Elisabeth  
Welch, David

Bettencourt, David  
Carson, Sharon  
Devine, James  
Emiro, Frank  
Griffin, Mary  
Ingram, Russell  
Katsakiores, George  
McKinney, Betsy  
Priestley, Anne  
Stiles, Nancy  
Weyler, Kenneth



## STRAFFORD

None

## SULLIVAN

Rodeschin, Beverly

and the majority committee report was adopted.

**HB 81**, relative to required pay for employees called into work. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P. Goley for the Majority of Labor, Industrial and Rehabilitative Services: Under current law, when an employee reports to work at an employer's request he or she shall be paid no less than two hours pay at his or her regular rate of pay. This bill changes the number of hours an employee must be paid to three. With the increased costs of travel to and from work, the majority of the committee felt it was reasonable that the employee be paid a minimum of three hours when called into work. Vote 10-7.

Rep. William J. Infantine for the Minority of Labor, Industrial and Rehabilitative Services: The minority of the committee believes the bill is unnecessary and will do nothing other than increase the cost of doing business in New Hampshire. Current law requires employers to pay for two hours of work in situations where an employee is scheduled to work and then sent home. The majority argues that increasing the number of mandatory hours paid to three instead of four is a good compromise. It is not a compromise made by the employers who are affected by it and is still a 50% increase in costs to employers complying with the law. Other than the sponsor of the bill, no one spoke in favor of this proposal at the public hearing. This is not a good time to needlessly increase costs to small business in the state and the minority of the committee asks that you join us in opposing this measure.

**Majority Amendment (0709h)**

Amend RSA 275:43-a as inserted by section 1 of the bill by replacing it with the following:

**275:43-a Required Pay.**

**I.** On any day an employee reports to work at an employer's request, he *or she* shall be paid not less than 3 hours' pay at his *or her* regular rate of pay; provided, however, that this section shall not apply to employers of counties or municipalities, and provided further that no employer who makes a good faith effort to notify an employee not to report to work shall be liable to pay wages under this section. However, if the employee reports to work after the employer's attempt to notify him *or her* has been unsuccessful or if the employer is prevented from making notification for any reason, the employee shall perform whatever duties are assigned by the employer at the time the employee reports to work.

**II. The following are exempt from paragraph I:**

**(a)** Any employee who reports to work and then requests to leave on the basis of illness or personal or family emergency, providing that a written explanation initialed by the employee is entered on the employee's time slip or card:

**(b)** Any employee who is hired and reports to work with the expectation that he or she will work fewer than 3 hours and who is notified in advance of his or her schedule, provided that the notification is in writing.

**(c)** Any health care employee of community based outreach services providers including licensed home health and hospice providers who voluntarily makes schedule changes to meet the needs of the physically or mentally infirm clients he or she serves and who signs a statement upon hire stating that he or she understands this job requirement.

**AMENDED ANALYSIS**

This bill:

I. Requires an employer to pay 3 hours wages to an employee called in to work unless the employer makes a good faith effort to notify an employee not to report to work.

II. Creates exemptions for health care employees of community based outreach services providers, employees who leave work for illness or family emergency, and certain employees who report to work with the expectation of working fewer than 3 hours.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Infantine spoke against and yielded to questions.  
Rep. Skinder spoke against.  
Rep. Goley spoke in favor.  
On a division vote, 153 members having voted in the affirmative and 141 in the negative, the majority committee report was adopted.  
Ordered to third reading.

**HB 203**, relative to protections for temporary workers. **OUGHT TO PASS WITH AMENDMENT.** Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This legislation defines the differences between a day laborer employer, and a temporary worker employer. It also prohibits a temporary help service from charging a fee for the cashing of an employee's check. Day laborers are paid daily and are charged up to \$1.00 a day if they are given cash from their employer. The majority of the committee felt the fees were excessive to be paying daily and felt that no employee should have to pay to receive cash from their employer versus a check. Vote 12-4.

#### **Amendment (0754h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Temporary Workers. Amend RSA 275 by inserting after section 66 the following new subdivision:

#### **Temporary Workers**

275:67 Definitions. In this subdivision:

I. "Day labor worker" means any person who:

(a) Is employed on a day-to-day basis and whose work assignments are for a day at a time; and  
(b) Reports to, or assembles at the office of the temporary services employer or other location, is dispatched to the work assignment from that office or location directly to the worksite of the client, and returns to the temporary services employer's office upon completion of the assignment.

II. "Temporary help service" means any person, entity, or agency that recruits, dispatches, or otherwise facilitates the employment of temporary workers or day labor workers by third-party clients.

III. "Temporary worker" means any person or entity who directly or indirectly, or through an agency, agent, or other entity working in the employer's interest, engages in work for wages or other benefits on a temporary basis and is not employed by the third party client entity.

IV. "Temporary worker employer" means any person or entity whose business consists primarily of:

(a) Recruiting and hiring its own employees;  
(b) Locating organizations requiring the services of those employees;  
(c) Assigning those employees to work for those organizations to support or supplement such organizations' workforces, or to provide assistance in special work situations such as, but not limited to, employee absences, skill shortages, seasonal workloads, or to perform special assignments or projects; and

(d) Attempting to reassign the employees to other organizations at the completion of each assignment.

V. "Third-party client" means any person or entity that contracts for temporary labor through a temporary help service.

VI. "Wages" means payment made under RSA 275:43 or more frequently at the employer's discretion.

275:68 Wages.

I. If a temporary worker's term of employment is less than one week, payment of wages shall be made by the temporary help service pursuant to RSA 275:43.

II. If a day labor worker's term of employment is less than one week, payment of wages by check shall be made available by the temporary help service at the end of each workday.

III. Under no circumstances shall a temporary help service charge a direct or indirect fee for the cashing of paychecks.

275:69 Transportation Fees. Under no circumstances shall a temporary worker employer charge a fee of any kind for transportation when such transportation is a condition of employment. If transportation is provided from the point of hire to the worksite, transportation shall be made available from the worksite back to the point of hire.

275:70 Notice. Temporary work service agencies shall post the terms of this subdivision in a public access area.

275:71 Waiver Prohibited. Any contract between a temporary worker and a temporary worker employer to waive rights or responsibilities assigned under this subdivision shall be considered void and unenforceable.

275:72 Penalties.

I. An employee shall have all of the remedies under RSA 275:53 to enforce the provisions of this subdivision.

II. The commissioner may, after hearing, impose a civil penalty not to exceed \$2,500, for a violation of any provision of this subdivision. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d. All moneys collected under this section shall be deposited in the general fund.

III. The labor commissioner may prosecute any violation of this subdivision in accordance with RSA 273:11

275:73 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the conduct of hearings under RSA 275:72, II.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 254**, relative to mandatory employer meetings about political and religious beliefs, including beliefs about joining a union. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sally H. Kelly for the Majority of Labor, Industrial and Rehabilitative Services: This bill allows employees the right not to attend a meeting that is about either political or religious beliefs or about joining a union without fear of reprisal. It does still allow employers to conduct meetings in these three areas. However, it is the choice of the employee to attend or not attend. HB 254 is neither in conflict nor is it duplicative of existing federal labor law. Vote 11-5.

Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services: This bill is preempted by the National Labor Relations Act (NLRA) and would be invalid if enacted. HB 254 would also have the unintended effect of subjecting employees to conduct currently unlawful under the NLRA. Under the proposed law, employees would be put in the position of identifying themselves to their employer and co-workers as supporting or being against unionization when they choose or choose not to attend meetings or participate in communications. Such self identification would run counter to the protection afforded by secret ballot elections and would interfere with the established body of NLRA law protecting employees in these circumstances. No other state has seen fit to enact legislation such as this.

### **Majority Amendment (0741h)**

Amend the bill by replacing section 1 with the following:

1 New Chapter; Worker Freedom Act. Amend RSA by inserting after chapter 275-E the following new chapter:

### **CHAPTER 275-F WORKER FREEDOM ACT**

275-F:1 Definitions. In this chapter:

I. "Constituent group" includes, but is not limited to, civic associations, community groups, social clubs, mutual benefit alliances and labor organizations.

II. "Constituent group matters" includes representation of constituents, such as employees or other members of the constituent group, or considerations relative to joining or not joining, participating in or not participating in, and supporting or not supporting the constituent group or any lawful activity of the constituent group.

III. "Labor organization" means any organization that exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

IV. "Political matters" includes political party affiliation, campaigns for candidates for political office or legislation or both, and considerations relative to joining or not joining, participating in or not participating in, and supporting or not supporting the political party, candidate, or legislative campaign or any lawful activity in support thereof.

V. "Religious matters" includes religious affiliation or identification or considerations relative to joining or not joining, adhering to or not adhering to, supporting or not supporting any bona fide religious faith, organization, or activity.

275-F:2 Prohibition of Mandatory Meetings on Politics, Religion, or Joining a Union.

I. No employer, employer's agent, representative, or designee shall require its employees to attend an employer-sponsored meeting for the purpose of communicating the employer's opinion about politics, religion, or joining a union.

II. No employer, employer's agent, representative, or designee shall discharge, discipline, otherwise penalize, or threaten to discharge, discipline, or otherwise penalize or take any adverse employment action against any employee:

(a) As a means of requiring an employee to attend a meeting.

(b) Because the employee refused to attend a meeting or to respond to, address, or participate in a meeting.

(c) Because the employee, or a person acting on behalf of the employee, makes a good faith report, verbally or in writing, of a violation or a suspected violation of this chapter, except that such prohibition shall not be applicable when the employee knows that such report is false.

(d) Because the employee has challenged or opposed any practice that the employee reasonably believes violates or would violate this section, or because the employee has made a charge, filed suit, testified, assisted in doing any of these things, or assisted or participated in any manner in any investigation, proceeding, or hearing under this section.

III. Any aggrieved employee, may enforce the provisions of this section by commencing a civil action no later than 90 days after the date of the alleged violation in the court for the judicial district where the violation is alleged to have occurred or where the employer has its principal office. The court may award a prevailing employee all appropriate relief, including injunctive relief, rehiring or reinstatement of the employee to the employee's former position or equivalent position, back pay and reestablishment of any employee benefits including seniority, to which the employee would otherwise have been eligible if such violation had not occurred, damages for any reasonably foreseeable losses sustained by such employee as a result of such violation, and any other appropriate relief as deemed necessary by the court to make the employee whole, and to restrain violation of this section. The court shall award a prevailing employee treble damages, together with reasonable attorney's fees and costs.

IV. In any proceeding under this section, when it is alleged that an employer or employer's agent, representative, or designee engaged in conduct constituting retaliation prohibited by this section within 180 days of the date on which the employee refused to attend a meeting or to respond to, address, or participate in a meeting or mandatory communication; made a good faith report; challenged or opposed a practice; or charged, filed suit, testified, assisted, or participated as described in this section, a presumption shall arise that the alleged conduct violated this section. The employer may rebut the presumption by adducing clear and convincing evidence that the discharge of or action taken against the employee was for a bona fide job-related or business reason unrelated to any conduct prohibited by this section.

V. Nothing in this chapter shall be construed to limit an employee's right to bring a common law cause of action against an employer for wrongful termination or to diminish or impair the rights of a person under any collective bargaining agreement.

VI. Nothing in this chapter shall prohibit:

(a) A religious organization from requiring its employees to attend an employer-sponsored meeting or to participate in any communications with the employer or its agents or representatives for the primary purpose of communicating the employer's religious beliefs, practices, or tenets.

(b) A political organization, including political parties and other organizations which engage in substantial part in political activities, from requiring its employees to attend an employer-sponsored meeting or to participate in any communications with the employer or its agents or representatives, for the primary purpose of communicating the employer's political tenets or purposes.

(c) A labor organization, when acting as an employer, from requiring its employees to attend an employer-sponsored meeting.

(d) Meetings for the purpose of collective bargaining or the administration of a collective bargaining agreement or the resolution of employee grievances.

(e) Meetings of an employer's executive or administrative personnel to discuss issues related to the employer's business.

(f) Meetings for the purpose of training employers and employees to understand and eliminate discrimination in the workplace on the basis of race, color, religion, religious creed, national origin, gender, sexual orientation or identity, disability, age, or any other form of invidious discrimination, if such action does not include a meeting otherwise prohibited by this section;

(g) Any employer from allowing employees to use its facilities, bulletin board, inter-office mail, or electronic messaging systems for or in connection with voluntary meetings or expression by employees on religious, political, or constituent group matters, so long as such access is extended on a non-discriminatory basis, and if the grant of such access does not involve a meeting or mandatory communication otherwise prohibited by this section.

VII. Covered employers shall post a notice to employees of employee rights under this bill. The posting shall be in a place normally reserved for such employment-related notices and in a place frequented by employees.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Reps. Daniels and Infantine spoke against.

Rep. Sally Kelly spoke in favor.

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

### **YEAS 232 NAYS 127**

#### **YEAS 232**

#### **BELKNAP**

Arsenault, Beth	Morrison, Gail	Pilliod, James	Reever, Judith
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#### **CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia	Knox, J. David	Morrow, Harry	

#### **CHESHIRE**

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Chase, William	Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter
Lerandeau, Alfred	Loll, Thomas	Mitchell, Bonnie	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

#### **COOS**

Hatch, William	Ingersoll, Paul Sr	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Theberge, Robert	Thomas, Yvonne	

#### **GRAFTON**

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Estes, Carole	Friedrich, Carol
Hammond, Lee	Harding, A Laurie	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip	Solomon, Peter		

#### **HILLSBOROUGH**

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Bergin, Peter
Brunelle, Michael	Campbell, David	Chase, Claudia	Clemons, Jane
Cote, David	Daler, Jennifer	Edwards, Andrew	Essex, David
Fontas, Jeffrey	Forest, Armand	Foster, Linda	Gargas, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Hall, Betty	Hammond, Jill	Harvey, Suzanne
Hebert, Roger	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Judy, Jean	Kaelin, Michael	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angelina	Lasky, Bette	Leishman, Peter

Levasseur, Nickolas  
Mack, Ron  
Matarazzo, Anthony Sr  
Pilotte, Maurice  
Schulze, Joan  
Simon, Anthony  
Velez, Hector

Levesque, Melanie  
Manney, Pamela  
Movsesian, Lori  
Reuschel, Michael  
Shattuck, Gilman  
Spratt, Stephen

Lisle, Carolyn  
Marshall, Seth  
O'Brien, Michael Sr  
Rochette, Eric  
Shaw, Barbara  
Sullivan, Daniel

Long, Patrick  
Martineau, Jesse  
O'Neil, James  
Rosenwald, Cindy  
Shaw, Kimberly  
Sysyn, Mary

### MERRIMACK

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Kelly, Sally  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hamm, Christine  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

### ROCKINGHAM

Abbott, Dennis  
Cali-Pitts, Jacqueline  
Elliott, Robert  
Henson, John  
Kepner, Susan  
McGuirk, Thomas  
Nord, Susi  
Priestley, Anne  
Russell, Trinka  
Weare, Everett

Bishop, Franklin  
Casey, Kimberley  
Emiro, Frank  
Howard, Doreen  
Marsh, Michael  
McKenna, Daniel  
Pantelakos, Laura  
Quandt, Marshall  
Serlin, Christopher  
Winchell, George

Borden, David  
Day, Judith  
Flockhart, Eileen  
Kelley, Jane  
McCarthy, Linda  
Moody, Marcia  
Powers, James  
Quandt, Matthew  
Snow, Richard

Brown, C. Pennington  
DiFruscia, Anthony  
Gould, Kenneth  
Kennedy, James  
McEachern, Paul  
Moore, Bennett  
Preston, Mark  
Robertson, Carl  
Splaine, James

### STRAFFORD

Berube, Roger  
Brown, Jennifer  
Cyr, James  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Hilliard, Dana  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brennan, William  
Browne, Brendon  
Domingo, Baldwin  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, George  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Mickelsonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinzy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

### NAYS 127

### BELKNAP

Boyce, Laurie  
Nedeau, Stephen  
Wendelboe, Fran

Clark, Charles  
Russell, David  
Whalley, Michael

Flanders, Donald  
Tilton, Franklin

Millham, Alida  
Tobin, William

### CARROLL

Brown, Carolyn  
Patten, Betsey

Chandler, Gene  
Stevens, Stanley

Denley, William

Martin, James

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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**COOS**

King, Frederick	Remick, William	Stohl, Eric	Troll, John Jr
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**GRAFTON**

Bulis, Lyle	Dingman, Vernon III	Gionet, Edmond	Sorg, Gregory
Williams, Burton			

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary
Day, Russell	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Emerton, Larry	Fletcher, Richard	Francoeur, Bea	Graham, John
Haefner, Robert	Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton
Hogan, Edith	Hunter, Bruce	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	McRae, Karen
Messier, Irene	Mooney, Maureen	Moran, Edward	O'Connell, Timothy
Ober, Lynne	Ober, Russell III	Peterson, Andy	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Smith, David	Soucy, Connie
Spaulding, Jayne	Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Winters, Joel		

**MERRIMACK**

Anderson, Eric	Hager, Elizabeth	Hess, David	Humphries, Charlie
Kidder, David	Lockwood, Priscilla	MacKay, James	Reed, Dennis

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bettencourt, David	Buxton, Donald
Camm, Kevin	Carson, Sharon	Case, Frank	Charron, Gene
Dalrymple, David	Devine, James	Dumaine, Dudley	Flanders, John Sr
Garcia, Marilinda	Garrity, James	Gleason, John	Griffin, Mary
Grote, Otto	Guthrie, Joseph	Headd, James	Hopfgarten, Paul
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Rausch, James	Reagan, John	Sanders, Elisabeth
Stiles, Nancy	Waterhouse, Kevin	Welch, David	Wells, Roger
Weyler, Kenneth	Wickson, Rick		

**STRAFFORD**

Brown, Julie

**SULLIVAN**

Ferland, Brenda  
and the majority committee report was adopted.  
Ordered to third reading.

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Pilliod moved that the House reconsider its action whereby it adopted the majority committee report of Ought to Pass with Amendment on **HB 81**, relative to required pay for employees called into work.

Reps. Pilliod, Vaillancourt and Chandler spoke in favor.

Rep. Mears spoke against.

On a division vote, 158 members having voted in the affirmative and 201 in the negative, the motion failed.

**REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)**

**HB 514-FN-L**, relative to the applicable minimum wage for hourly employees. **OUGHT TO PASS.**

Rep. Sally H. Kelly for Labor, Industrial and Rehabilitative Services: The minimum wage for New Hampshire citizens has not increased in nine years and in that time, education costs, healthcare costs and housing costs have all increased. A strong bi-partisan committee vote supports the bill. Vote 15-2. Rep. Mears yielded to questions.

Rep. Mary Ann Knowles requested a roll call; sufficiently seconded.

**YEAS 286 NAYS 69****YEAS 286****BELKNAP**

Arsenault, Beth  
Nedeau, Stephen

Flanders, Donald  
Pilliod, James

Millham, Alida  
Reever, Judith

Morrison, Gail  
Whalley, Michael

**CARROLL**

Bridgham, Robert  
Cunningham, Howard  
Morrow, Harry

Brown, Carolyn  
Heard, Virginia  
Patten, Betsey

Buco, Thomas  
Knox, J. David

Butler, Edward  
Martin, James

**CHESHIRE**

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Sad, Tara

Butcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Richardson, Barbara  
Weber, Lucy

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

Butynski, William  
Espiefs, Peter  
Pelkey, Stephen  
Robertson, Timothy

**COOS**

Hatch, William  
Merrick, Scott  
Thomas, Yvonne

Ingersoll, Paul Sr  
Remick, William

Mears, Edgar  
Stohl, Eric

Merrick, Evalyn  
Theberge, Robert

**GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Gionet, Edmond  
Matheson, Robert  
Pierce, David

Almy, Susan  
Cooney, Mary  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Andersen, Gene  
Estes, Carole  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Cote, David  
Drisko, Richard  
Fontas, Jeffrey  
Garity, Patrick  
Graham, John  
Harvey, Suzanne  
Infantine, William  
Kaelin, Michael  
Kopka, Angeline  
Levasseur, Nickolas  
Mack, Ron  
Matarazzo, Anthony Sr  
Movsesian, Lori  
Pilotte, Maurice  
Rochette, Eric

Beaulieu, Jane  
Campbell, David  
Coughlin, Pamela  
Edwards, Andrew  
Forest, Armand  
Ginsburg, Ruth  
Hackel, Paul  
Hebert, Roger  
Irwin, Anne-Marie  
Kelley, John  
Kurk, Neal  
Levesque, Melanie  
Manney, Pamela  
Messier, Irene  
O'Brien, Michael Sr  
Price, Pamela  
Rosenwald, Cindy

Beck, Catriona  
Chase, Claudia  
Daler, Jennifer  
Emerton, Larry  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Holden, Randolph  
Jean, Claudette  
Knowles, John  
Lasky, Bette  
Lisle, Carolyn  
Marshall, Seth  
Mooney, Maureen  
O'Neil, James  
Renzullo, Andrew  
Schulze, Joan

Bergin, Peter  
Clemons, Jane  
Dokmo, Cynthia  
Essex, David  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Hunter, Bruce  
Jeudy, Jean  
Knowles, Mary Ann  
Leishman, Peter  
Long, Patrick  
Martineau, Jesse  
Moran, Edward  
Peterson, Andy  
Reuschel, Michael  
Shattuck, Gilman



Shaw, Barbara  
Smith, Sandra  
Sysyn, Mary

Shaw, Kimberly  
Spaulding, Jayne  
Velez, Hector

Simon, Anthony  
Spratt, Stephen  
Villeneuve, Maurice

Smith, David  
Sullivan, Daniel  
Winters, Joel

### MERRIMACK

Anderson, Eric  
Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Baxley, Maureen  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Hess, David  
Lockwood, Priscilla  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Beauchesne, Suzanne  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kelly, Sally  
Mackay, James  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
Kidder, David  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Buxton, Donald  
Charron, Gene  
Elliott, Robert  
Gleason, John  
Henson, John  
Katsakiores, George  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Powers, James  
Quandt, Matthew  
Serlin, Christopher  
Welch, David

Bishop, Franklin  
Cali-Pitts, Jacqueline  
Dalrymple, David  
Emiro, Frank  
Gould, Kenneth  
Howard, Doreen  
Katsakiores, Phyllis  
Major, Norman  
McKenna, Daniel  
Nowe, Ronald  
Preston, Mark  
Rausch, James  
Snow, Richard  
Wells, Roger

Borden, David  
Case, Frank  
Day, Judith  
Flanders, John Sr  
Griffin, Mary  
Ingram, Russell  
Kelley, Jane  
Marsh, Michael  
Moody, Marcia  
Packard, Sherman  
Priestley, Anne  
Robertson, Carl  
Splaine, James  
Wickson, Rick

Brown, C. Pennington  
Casey, Kimberley  
DiFruscia, Anthony  
Flockhart, Eileen  
Grote, Otto  
Introne, Robert  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Pantelakos, Laura  
Quandt, Marshall  
Russell, Trink  
Weare, Everett  
Winchell, George

### STRAFFORD

Berube, Roger  
Brown, Jennifer  
Burke, Rachel  
Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Billian, Deborah  
Brown, Julie  
Cyr, James  
Hilliard, Dana  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brennan, William  
Brown, Larry  
DeChane, Marlene  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, George  
Browne, Brendon  
Domingo, Baldwin  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinzy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

### NAYS 69

### BELKNAP

Boyce, Laurie  
Tobin, William

Clark, Charles  
Wendelboe, Fran

Russell, David

Tilton, Franklin

### CARROLL

Chandler, Gene

Denley, William

Stevens, Stanley

### CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

**COOS**

King, Frederick

Tholl, John Jr

**GRAFTON**

Bulis, Lyle

Dingman, Vernon III

Sorg, Gregory

**HILLSBOROUGH**

Barry, Richard

Batula, Peter

Bergeron, Jean-Guy

Christensen, Chris

Christiansen, Lars

Crane, Elenore Casey

Daniels, Gary

Day, Russell

Elliott, Nancy

Fletcher, Richard

Francoeur, Bea

Haefner, Robert

Hansen, Ryan

Hawkins, Ken

Hinkle, Peyton

Hogan, Edith

Jasper, Shawn

L'Heureux, Robert

Lawrence, James

McRae, Karen

O'Connell, Timothy

Ober, Lynne

Ober, Russell III

Rowe, Robert

Soucy, Connie

Stepanek, Stephen

Ulery, Jordan

Vaillancourt, Steve

**MERRIMACK**

Humphries, Charlie

Reed, Dennis

**ROCKINGHAM**

Allen, Mary

Baldasaro, Alfred

Bettencourt, David

Camm, Kevin

Carson, Sharon

Devine, James

Dumaine, Dudley

Garcia, Marilinda

Garrity, James

Guthrie, Joseph

Headd, James

Hopfgarten, Paul

Itse, Daniel

Kappler, Lawrence

Lund, Howie

McKinney, Betsy

McMahon, Charles

Reagan, John

Sanders, Elisabeth

Stiles, Nancy

Waterhouse, Kevin

Weyler, Kenneth

**STRAFFORD**

None

**SULLIVAN**

None

and the committee report was adopted.

Ordered to third reading.

Rep. Emerson voted Nay and intended to Vote Yea.

**HB 797**, regulating mandatory overtime for nurses and assistants. **OUGHT TO PASS.**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: This bill allows a nurse who has been working 12 consecutive hours the option to say "no" if asked to stay longer than his or her shift without being subject to disciplinary action. Nurses are bound to act in the patient's best interest. The chances for medical errors increase with human fatigue. This bill also allows an employer to enter into a written agreement with employees wishing to be exempt from this legislation and submitting such agreements to the Department of Labor. Vote 11-2.

Rep. Millham offered floor amendment (1160h).

**Floor Amendment (1160h)**

Amend RSA 275:67, II as inserted by section 1 of the bill by replacing it with the following:

II. The prohibition against mandatory overtime shall not apply in the case of:

(a) A nurse participating in surgery, until the surgery is completed;

(b) A nurse working in a critical care unit, until another employee beginning a scheduled work shift relieves him or her;

(c) A public health emergency;

(d) An institutional emergency, such as adverse weather, a catastrophe, or illness, that a facility administrator believes will reduce the number of nursing personnel available for a scheduled shift to an unsafe level;

(e) An absence of a subsequent worker or caregiver;

(f) Any situation where the purpose of the overtime is to prevent imminent harm to a resident or patient; or

(g) A nurse covered by a collective bargaining agreement containing provisions addressing the issue of mandatory overtime.

Rep. Holden spoke against and yielded to questions.

On a division vote, 129 members having voted in the affirmative and 198 in the negative, floor amendment (1160h) failed.

The question now being adoption of the committee report of Ought to Pass.

Rep. Gorman spoke in favor.

On a division vote, 262 members having voted in the affirmative and 69 in the negative, the committee report was adopted.

Ordered to third reading.

Rep. Roberts declared a conflict of interest on **HB 797** and did not participate.

**HB 819**, establishing a right to work act which provides for freedom of choice on whether to join a labor union. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Randolph N. S. Holden for the Majority of Labor, Industrial and Rehabilitative Services: The majority of the committee felt that HB 819 was not in the best interest of the working citizen of New Hampshire. The committee felt that this bill is a bi-annual bill and is killed time and time again. The committee voted overwhelming in a non partisan vote. Vote 15-3.

Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services: This bill is about individual freedom in the work place. At a time when we are focusing on the rights of workers in the labor force, no one should face the prospect of losing their job for choosing to join a union and paying dues, or choosing not to join a union and paying a mandated fee to the union (a private organization). Basic rights such as these must not be on the negotiating table and HB 819 would uphold those workers rights.

Rep. Baldasaro spoke against and yielded to questions.

Rep. Holden spoke in favor and yielded to questions.

Rep. Daniels spoke against.

Rep. Mears spoke in favor.

Rep. Mears requested a roll call; sufficiently seconded.

## YEAS 272 NAYS 75

### YEAS 272

#### BELKNAP

Arsenault, Beth  
Nedeau, Stephen

Clark, Charles  
Pilliod, James

Millham, Alida  
Reever, Judith

Morrison, Gail  
Russell, David

#### CARROLL

Bridgham, Robert  
Cunningham, Howard

Brown, Carolyn  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward  
Stevens, Stanley

#### CHESHIRE

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Pliifka, Stanley Jr  
Sad, Tara

Butcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Richardson, Barbara  
Weber, Lucy

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

Butynski, William  
Espieffs, Peter  
Pelkey, Stephen  
Robertson, Timothy

#### COOS

Hatch, William  
Stohl, Eric

King, Frederick  
Theberge, Robert

Mears, Edgar  
Tholl, John Jr

Remick, William  
Thomas, Yvonne

#### GRAFTON

Aguiar, James  
Bleyler, Ruth  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

Almy, Susan  
Bulis, Lyle  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Andersen, Gene  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon

**HILLSBOROUGH**

Baroody, Benjamin  
 Bergin, Peter  
 Christensen, Chris  
 Daler, Jennifer  
 Emerton, Larry  
 Forest, Armand  
 Ginsburg, Ruth  
 Hackel, Paul  
 Holden, Randolph  
 Jean, Claudette  
 Knowles, John  
 Lasky, Bette  
 Lisle, Carolyn  
 Marshall, Seth  
 Movsesian, Lori  
 Peterson, Andy  
 Rosenwald, Cindy  
 Shaw, Kimberly  
 Soucy, Connie  
 Vaillancourt, Steve

Batula, Peter  
 Brunelle, Michael  
 Clemons, Jane  
 Day, Russell  
 Essex, David  
 Foster, Linda  
 Goley, Jeffrey  
 Hall, Betty  
 Infantine, William  
 Jeudy, Jean  
 Knowles, Mary Ann  
 Leishman, Peter  
 Long, Patrick  
 Martineau, Jesse  
 O'Brien, Michael Sr  
 Pilotte, Maurice  
 Schulze, Joan  
 Simon, Anthony  
 Spratt, Stephen  
 Velez, Hector

Beaulieu, Jane  
 Campbell, David  
 Cote, David  
 Dokmo, Cynthia  
 Fletcher, Richard  
 Gargas, Carolyn  
 Gorman, Mary  
 Hammond, Jill  
 Irwin, Anne-Marie  
 Kaelin, Michael  
 Kopka, Angeline  
 Levasseur, Nickolas  
 Mack, Ron  
 Matarazzo, Anthony Sr  
 O'Neil, James  
 Renzullo, Andrew  
 Shattuck, Gilman  
 Smith, David  
 Sullivan, Daniel  
 Villeneuve, Maurice

Beck, Catriona  
 Chase, Claudia  
 Crane, Elenore Casey  
 Edwards, Andrew  
 Fontas, Jeffrey  
 Garrity, Patrick  
 Graham, John  
 Harvey, Suzanne  
 Jasper, Shawn  
 Kelley, John  
 L'Heureux, Robert  
 Levesque, Melanie  
 Manney, Pamela  
 Messier, Irene  
 Ober, Lynne  
 Reuschel, Michael  
 Shaw, Barbara  
 Smith, Sandra  
 Sysyn, Mary  
 Winters, Joel

**MERRIMACK**

Baxley, Maureen  
 Brueggemann, Donald  
 DeStefano, Stephen  
 Gile, Mary  
 Kelly, Sally  
 MacKay, James  
 Porter, Margaret  
 Ryan, Jim  
 Wallner, Mary  
 Williams, Robert

Beauchesne, Suzanne  
 Clarke, Claire  
 Ehlers, Eileen  
 Greco, Vincent  
 Kidder, David  
 McMahon, Patricia  
 Potter, Frances  
 Shurtleff, Stephen  
 Walz, Mary  
 Yeaton, Charles

Bouchard, Candace  
 Davis, Frank  
 Foose, Robert  
 Hager, Elizabeth  
 Kjellman, Eleanor Glynn  
 Osborne, Jessie  
 Reardon, Tara  
 Tilton, Joy  
 Webb, Leigh

Brown, Carole  
 DeJoie, John  
 French, Barbara  
 Hamm, Christine  
 Lockwood, Priscilla  
 Owen, Derek  
 Richardson, Gary  
 Tupper, Frank  
 Wheeler, Deborah

**ROCKINGHAM**

Abbott, Dennis  
 Borden, David  
 Case, Frank  
 Day, Judith  
 Flockhart, Eileen  
 Guthrie, Joseph  
 Kepner, Susan  
 McGuirk, Thomas  
 Moore, Bennett  
 Powers, James  
 Russell, Trinkia  
 Stiles, Nancy  
 Winchell, George

Allen, Mary  
 Brown, C. Pennington  
 Casey, Kimberley  
 DiFruscia, Anthony  
 Garrity, James  
 Howard, Doreen  
 Marsh, Michael  
 McKinney, Betsy  
 Nord, Susi  
 Quandt, Marshall  
 Serlin, Christopher  
 Weare, Everett

Bettencourt, David  
 Buxton, Donald  
 Charron, Gene  
 Emiro, Frank  
 Gould, Kenneth  
 Kelley, Jane  
 McCarthy, Linda  
 McMahon, Charles  
 Packard, Sherman  
 Quandt, Matthew  
 Snow, Richard  
 Wells, Roger

Bishop, Franklin  
 Carson, Sharon  
 Dalrymple, David  
 Flanders, John Sr  
 Grote, Otto  
 Kennedy, James  
 McEachern, Paul  
 Moody, Marcia  
 Pantelakos, Laura  
 Robertson, Carl  
 Splaine, James  
 Wickson, Rick

**STRAFFORD**

Berube, Roger  
 Brown, Jennifer  
 Cyr, James  
 Hilliard, Dana  
 Kaen, Naida  
 Perry, Robert  
 Schmidt, Peter  
 Vachon, Dennis

Billian, Deborah  
 Brown, Larry  
 DeChane, Marlene  
 Hofemann, Roland  
 Knowles, William  
 Rollo, Deanna  
 Smith, Marjorie  
 Wall, Janet

Brennan, William  
 Browne, Brendon  
 Domingo, Baldwin  
 Hubbard, Pamela  
 Mickelonis, Shawn  
 Rollo, Michael  
 Spang, Judith  
 Warren, Nancy

Brown, George  
 Burke, Rachel  
 Fargo, Thomas  
 Hutz, Sarah  
 Miller, Joseph  
 Rous, Emma  
 Sprague, Dale  
 Watson, Robert

**SULLIVAN**

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizz, James

Ferland, Brenda  
Houde, Matthew

**NAYS 75****BELKNAP**

Boyce, Laurie  
Wendelboe, Fran

Flanders, Donald  
Whalley, Michael

Tilton, Franklin

Tobin, William

**CARROLL**

Chandler, Gene  
Patten, Betsey

Denley, William

Martin, James

Merrow, Harry

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

**COOS**

None

**GRAFTON**

Dingman, Vernon III

Gionet, Edmond

Ingbreton, Paul

Sorg, Gregory

**HILLSBOROUGH**

Barry, Richard  
Coughlin, Pamela  
Francoeur, Bea  
Hinkle, Peyton  
Lawrence, James  
O'Connell, Timothy  
Spaulding, Jayne

Bergeron, Jean-Guy  
Daniels, Gary  
Haefner, Robert  
Hogan, Edith  
McRae, Karen  
Ober, Russell III  
Stepanek, Stephen

Christiansen, Lars  
Drisko, Richard  
Hansen, Ryan  
Hunter, Bruce  
Mooney, Maureen  
Price, Pamela  
Ulery, Jordan

Clark, Mark  
Elliott, Nancy  
Hawkins, Ken  
Kurk, Neal  
Moran, Edward  
Rowe, Robert

**MERRIMACK**

Anderson, Eric

Hess, David

Humphries, Charlie

Reed, Dennis

**ROCKINGHAM**

Baldasaro, Alfred  
Garcia, Marilinda  
Hopfgarten, Paul  
Kappler, Lawrence  
Major, Norman  
Sanders, Elisabeth

Camm, Kevin  
Gleason, John  
Ingram, Russell  
Katsakiores, George  
Nowe, Ronald  
Waterhouse, Kevin

Devine, James  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Rausch, James  
Welch, David

Dumaine, Dudley  
Henson, John  
Itse, Daniel  
Lund, Howie  
Reagan, John  
Weyler, Kenneth

**STRAFFORD**

Brown, Julie

**SULLIVAN**

Skinder, Carla

and the majority committee report was adopted.

**(Rep. Foster in the Chair)**

**REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)**

**HB 848**, relative to a private right of action to recover workers' compensation coverage payments.

**MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P. Goley for the Majority of Labor, Industrial and Rehabilitative Services: A private right of action to recover workers' compensation coverage payments allows a civil action in the name of the State of New Hampshire to be taken against an employer if probable cause exists, showing an employer is engaging in workers' compensation fraud. Vote 11-5.

Rep. William J. Infantine for the Minority of Labor, Industrial and Rehabilitative Services: The minority believes that this bill at its core has to do with independent contractors and workers' compensation laws. The bill sets a dangerous precedent by allowing private individuals and groups the ability to bring suit and receive compensation costs and attorneys fees if they prove an employer was not in compliance with current workers' compensation laws. Until now, fines and penalties could only be assessed by the Department of Labor. Also, some of the collected funds cannot be used by the Department of Labor administration fund as outlined in the bill.

Rep. Infantine spoke against.

Rep. Long spoke in favor.

On a division vote, 197 members having voted in the affirmative and 132 in the negative, the majority committee report was adopted.

Ordered to third reading.

**HB 293**, allowing municipalities to establish agricultural commissions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: The Farm Viability Task Force worked on HB 293 in order to create local agricultural champions to promote farms and offer advice to other town boards on how to encourage towns to be farm-friendly. The amendment offered removed any authority for the commission to control any money received and the ability to buy and control real property. The committee felt that having an advisory commission on agriculture was a good idea as long as there were no enforcement powers or regulatory authority given to the commission. The local legislative body may establish this commission so the bill is enabling at the local level. The stakeholders on the Farm Viability Task Force invested a lot of time and effort into this bill and they agreed with the amendment. Vote 15-1.

**Amendment (0834h)**

Amend RSA 674:44-e – 674:44-g as inserted by section 1 of the bill by replacing it with the following:

674:44-e Agricultural Commission. An agricultural commission may be established in accordance with RSA 673 for the proper recognition, promotion, enhancement, encouragement, use, management, and protection of agriculture and agricultural resources, tangible or intangible, that are valued for their economic, aesthetic, cultural, historic, or community significance within their natural, built, or cultural contexts. The word "agriculture" shall include the entirety of RSA 21:34-a, which is the definition of farm, agriculture, and farming.

674:44-f Powers. Agricultural commissions shall have advisory and review authority and other duties as follows:

- I. Survey and inventory all agricultural resources.
- II. Conduct activities to recognize, promote, enhance, and encourage agriculture, agricultural resources, and agricultural-based economic opportunities.
- III. Assist the planning board, as requested, in the development and review of those sections of the master plan which address agricultural resources.
- IV. Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting agricultural resources.
- V. Coordinate activities with appropriate service organizations and nonprofit groups.
- VI. Publicize and report its activities.
- VII. Hire consultants and contractors as needed.
- VIII. Receive gifts of money to assist in carrying out its purpose.
- IX. Hold meetings and hearings necessary to carry out its duties.

674:44-g Appropriations Authorized.

I. A town or city, having established an agricultural commission under this subdivision, may appropriate money as deemed necessary to carry out its purposes. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to RSA 674:44-f shall be placed in an agricultural fund and allowed to accumulate from year to year.

II. The town treasurer, pursuant to RSA 41:29, shall have custody of all moneys in the agricultural fund and shall pay out the same only upon order of the agricultural commission. The disbursement of agricultural funds shall be authorized by a majority of the agricultural commission. The use of such funds shall not be for the purchase of any interest in real property.

Amend RSA 673:4-b, II-III as inserted by section 3 of the bill by replacing it with the following:

II. Each agricultural commission member shall be a resident of the city or town which establishes the commission. One commission member may be a member of the local governing body. One commission member may be a member of the planning board. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate, and promote the purpose of the agricultural commission.

III. Members of an agricultural commission also may serve on other municipal boards and commissions, including but not limited to a conservation commission established under RSA 36-A, a historic district commission established under RSA 674:46, or a heritage commission established under RSA 674:44-a.

Amend RSA 673:7, II(c) as inserted by section 4 of the bill by replacing it with the following:

(c) Either one appointed member or one ex officio member may be a member of the heritage commission, ~~[or] the historic district commission, [or both,]~~ **or the agricultural commission, or all three** if such ~~[a commission exists]~~ **commissions exist** in the city.

On a division vote, 306 members having voted in the affirmative and 6 in the negative, the committee amendment was adopted.

On a division vote, 306 members having voted in the affirmative and 9 in the negative, the committee report was adopted.

Ordered to third reading.

**HB 390**, relative to review of developments of regional impact. **INEXPEDIENT TO LEGISLATE.** Rep. Robert J. Elliott for Municipal and County Government: The Regional Planning Commissions (RPCs) are a resource tool for the local communities within their regions and are supported by dues paid by each municipality. When a local planning board determines that a development will have regional impact, a copy of the plans and discussion are given to the RPC and a review is done. HB 390 would require each regional planning commission to develop guidelines to assist local land use boards to determine if there is a potential regional impact. The process for developing these guidelines would be paid for by the applicants, putting the cost onto individuals, not the RPCs who are making decisions regarding regional impacts. Testimony was given that the RPCs are already assisting the local land use boards when asked and have sufficient authority now for assisting the municipalities. Vote 13-3.

On a division vote, 301 members having voted in the affirmative and 9 in the negative, the committee report was adopted.

**HB 457**, allowing municipalities to restrict lawn watering during declared droughts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Robert J. Watson for the Majority of Municipal and County Government: This bill would enable cities and towns to establish regulations to restrict residential lawn watering when the state or federal government have designated the region as being under a declared state of drought. Each municipality would have the authority to decide what restrictions, if any, would be appropriate for its community. The bi-partisan majority, while respectful of individual property rights, believes that water is a shared resource that should be used responsibly during droughts. We agree with the Department of Environmental Services that reasonable restrictions on discretionary water use like lawn watering can help prevent water supply emergencies. Vote 9-5.

Rep. Betsey L. Patten for the Minority of Municipal and County Government: During times of drought it is very necessary to educate every citizen to conserve water, which is one of our basic needs. Currently public alerts and notices advise the citizens of any drought situations and those public alerts have worked. HB 457 would require restricting the use of water from private or public water systems for residential outdoor water when any administrative agency of the state or federal government designates a drought in any region. The intention of HB 457 is to distinguish agricultural watering and golf courses or other businesses where watering is critical. Commercial property land owners also sprinkle their lawns but these properties are not included in the "residential outdoor lawn watering" category. The minority of the committee feels that this restriction will be hard to enforce and is also uncertain who will be the enforcement arm of the government. Private land is a sacred right of our citizens. Many residential land owners are not on public water systems and the minority of the committee believes that those owners are intelligent enough not to water lawns during a drought. Not to require the restriction of all outdoor lawn watering during drought conditions discriminates against private property owners.

**Majority Amendment (0684h)**

Amend the title of the bill by replacing it with the following:

AN ACT allowing local governing bodies to restrict lawn watering during declared droughts.

Amend the bill by replacing section 1 with the following:

1 New Section; Restricting the Watering of Lawns. Amend RSA 41 by inserting after section 11c the following new section:

41:11-d Restricting the Watering of Lawns.

I. The local governing body may establish regulations restricting the use of water from private wells or public water systems for residential outdoor lawn watering when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

II. The local governing body shall give notice prior to the implementation of the regulations in paragraph I. Notice shall be given at least 3 calendar days before the regulations are implemented. The notice required under this section shall not include the day notice is posted. Notice of the regulations shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places.

III. The full text of the proposed regulations need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice.

**AMENDED ANALYSIS**

This bill allows local governing bodies to restrict lawn watering during declared droughts. On a division vote, 244 members having voted in the affirmative and 63 in the negative, the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Bettencourt requested a roll call; sufficiently seconded.

**YEAS 187 NAYS 131****YEAS 187****BELKNAP**

Arsenault, Beth	Morrison, Gail	Pilliod, James	Reever, Judith
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**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia			

**CHESHIRE**

Burridge, Delmar	Butterworth, Timothy	Butynski, William	Chase, William
Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter	Lerandeau, Alfred
Mitchell, Bonnie	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sad, Tara	Weber, Lucy	Weed, Charles

**COOS**

Hatch, William	Mears, Edgar	Remick, William	Theberge, Robert
Thomas, Yvonne			

**GRAFTON**

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Estes, Carole	Friedrich, Carol
Hammond, Lee	Harding, A Laurie	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip	Solomon, Peter		

**HILLSBOROUGH**

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Edwards, Andrew



Essex, David  
Gorman, Mary  
Harvey, Suzanne  
Kaelin, Michael  
Lasky, Bette  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
Pilotte, Maurice  
Shattuck, Gilman  
Spratt, Stephen

Garrity, Patrick  
Hackel, Paul  
Hebert, Roger  
Kelley, John  
Leishman, Peter  
Mack, Ron  
Messier, Irene  
Reuschel, Michael  
Shaw, Barbara  
Sullivan, Daniel

Ginsburg, Ruth  
Hall, Betty  
Irwin, Anne-Marie  
Knowles, Mary Ann  
Levasseur, Nickolas  
Marshall, Seth  
Movsesian, Lori  
Rosenwald, Cindy  
Simon, Anthony  
Sysyn, Mary

Goley, Jeffrey  
Hammond, Jill  
Judy, Jean  
Kopka, Angeline  
Levesque, Melanie  
Martineau, Jesse  
O'Brien, Michael Sr  
Schulze, Joan  
Smith, Sandra  
Velez, Hector

### MERRIMACK

Baxley, Maureen  
Brueggemann, Donald  
French, Barbara  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

Beauchesne, Suzanne  
Davis, Frank  
Greco, Vincent  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary

Bouchard, Candace  
Ehlers, Eileen  
Hamm, Christine  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Brown, Carole  
Foose, Robert  
Kelly, Sally  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
Casey, Kimberley  
Henson, John  
Kepner, Susan  
Nord, Susi  
Serlin, Christopher

Borden, David  
Day, Judith  
Kappler, Lawrence  
Marsh, Michael  
Pantelakos, Laura  
Snow, Richard

Brown, C. Pennington  
DiFruscia, Anthony  
Kelley, Jane  
McEachern, Paul  
Powers, James

Buxton, Donald  
Grote, Otto  
Kennedy, James  
Moore, Bennett  
Russell, Trinka

### STRAFFORD

Berube, Roger  
Brown, Jennifer  
Cyr, James  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Warren, Nancy

Billian, Deborah  
Brown, Larry  
Domingo, Baldwin  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Watson, Robert

Brennan, William  
Browne, Brendon  
Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Vachon, Dennis

Brown, George  
Burke, Rachel  
Hilliard, Dana  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Skinder, Carla

Donovan, Thomas  
Houde, Matthew

Franklin, Peter  
Jillette, Arthur Jr

### NAYS 131

#### BELKNAP

Boyce, Laurie  
Nedeau, Stephen  
Wendelboe, Fran

Clark, Charles  
Russell, David  
Whalley, Michael

Flanders, Donald  
Tilton, Franklin

Millham, Alida  
Tobin, William

### CARROLL

Brown, Carolyn  
Martin, James

Chandler, Gene  
Merrow, Harry

Denley, William  
Patten, Betsey

Knox, J. David  
Stevens, Stanley

### CHESHIRE

Emerson, Susan

Hunt, John

Pelkey, Stephen

### COOS

King, Frederick

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Bulis, Lyle	Dingman, Vernon III	Gionet, Edmond	Ingbretson, Paul
Sorg, Gregory			

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Brunelle, Michael	Christensen, Chris	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Fletcher, Richard	Francoeur, Bea
Graham, John	Haefner, Robert	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Holden, Randolph	Hunter, Bruce
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Manney, Pamela	McRae, Karen	Mooney, Maureen	Moran, Edward
O'Connell, Timothy	O'Neil, James	Ober, Lynne	Ober, Russell III
Peterson, Andy	Price, Pamela	Renzullo, Andrew	Shaw, Kimberly
Smith, David	Soucy, Connie	Spaulding, Jayne	Stepanek, Stephen
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel

**MERRIMACK**

Anderson, Eric	Clarke, Claire	Hess, David	Humphries, Charlie
Lockwood, Priscilla	MacKay, James	Reed, Dennis	

**ROCKINGHAM**

Allen, Mary	Bettencourt, David	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
Emiro, Frank	Flanders, John Sr	Garcia, Marilinda	Garrity, James
Gleason, John	Gould, Kenneth	Guthrie, Joseph	Headd, James
Hopfgarten, Paul	Howard, Doreen	Ingram, Russell	Introne, Robert
Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Quandt, Marshall	Quandt, Matthew	Rausch, James
Reagan, John	Robertson, Carl	Sanders, Elisabeth	Stiles, Nancy
Waterhouse, Kevin	Weare, Everett	Welch, David	Wells, Roger
Weyler, Kenneth	Wickson, Rick	Winchell, George	

**STRAFFORD**

Brown, Julie	Sprague, Dale
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**SULLIVAN**

Ferland, Brenda	Phinizz, James
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and the majority committee report was adopted.  
Ordered to third reading.

**HB 479**, relative to the default budget in official ballot towns. **INEXPEDIENT TO LEGISLATE.** Rep. Bennett F. Moore for Municipal and County Government: The committee believes that abuse, if any, of default budget calculations, which the sponsors wished to address in the bill, can best be remedied by voters at the local ballot box. Towns and school boards can also adopt, under existing law, a process that allows default budget calculations to be used by a town budget committee. Testimony received did raise questions of potential unintended consequences on towns who do not abuse the system. Detailed laws to govern the calculation of a default budget may never be sufficient to totally avoid abuse. Support for the bill was limited to citizens from one community in the state. The bill was opposed by the NH Municipal Association. Vote 11-3.  
Reps. Kurk and Weyler spoke against and yielded to questions.  
Reps. Bennett Moore and Patten spoke in favor.  
On a division vote, 206 members having voted in the affirmative and 117 in the negative, the committee report was adopted.

(Speaker Norelli in the Chair)

**REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)**

**HB 662-FN-A-L**, exempting vehicles adapted for use by persons with disabilities from motor vehicle registration fees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Larry Brown for the Majority of Municipal and County Government: The majority of the committee while agreeing that the scope and costs of vehicle modifications can, in particular cases, be high, felt that the financial resources of disabled individuals, trusts established for their benefit, and the resources of family members vary and that this was an issue separate from the transportation needs of individuals with a permanent and total disability. Vote 9-5.

Rep. Joseph A. Guthrie for the Minority of Municipal and County Government: The minority vote reflected a desire to assist those persons with a permanent and total disability by exempting them from paying registration fees on vehicles specially modified or adapted to accommodate the person's disability.

Reps. Guthrie, Knox and Martin spoke against.

Reps. Patten and Theberge spoke in favor.

On a division vote, 224 members having voted in the affirmative and 96 in the negative, the majority committee report was adopted.

Rep. Trinka Russell declared a conflict of interest on **HB 662-FN-A-L** and did not participate.

**HB 838-FN-L**, allowing municipalities to recover certain costs related to right-to-know requests. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jessie L. Osborne for the Majority of Municipal and County Government: The committee felt that the "costs associated" was a nebulous term in the bill and left open many costly options which could be a disincentive for citizens to get the public information they need and request. The commission on the Right to Know Law is currently addressing many issues and the issue contained in this bill will be addressed by the commission this year. Vote 11-3.

Rep. Earle Goodwin for the Minority of Municipal and County Government: There have been many instances in Dover when one or two individuals have imposed unreasonable and extensive requests for public records. These very expensive costs in turn are passed on to the taxpayers of the community. The minority appreciates that 91A must be preserved, but in this instance, the action of a few adversely affects the pocket book of all taxpayers, many who can't afford any increase in taxes. This information may be passed onto the Right to Know Commission, but the potential problem could occur in any community in the state. In addition, the bill does not state the actual amount of costs that could be charged for "public records."

On a division vote, 308 members having voted in the affirmative and 11 in the negative, the majority committee report was adopted.

**HB 863**, relative to the assessment of property subject to a housing subsidy restriction. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F. Moore for Municipal and County Government: This bill would have limited property tax liability on property subject to housing subsidy restrictions to 10%. The committee recommendation of ITL was based on the perception that such property already benefits from federal subsidies or tax credits and low interest loans. The issue of determining fair market value for such properties may also be discussed by the assessing standards board. Vote 13-1.

On a division vote, 317 members having voted in the affirmative and 4 in the negative, the committee report was adopted.

**HB 739**, relative to contractor accountability and disclosure in the public works construction procurement process. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin T. Tilton for Public Works and Highways: This bill deals with information on subcontractor bid prices, the requirement of state approval for the substitution of a new subcontractor, and the posting of details on subcontractors on the jobsite. Most, if not all, of these requirements currently are routinely being done on Department of Transportation projects. The additional paperwork suggested by the legislation is not desirable. The details proposed in the bill are limited to the traditional design-bid-build method and would not be compatible with the construction management, or design-build methods that are becoming more common in public

as well as private construction. While the study has been useful in drawing attention to these contract administration procedures and has caused sharing of different procedures among agencies, the legislation is not necessary. Vote 9-7.

Rep. Benn spoke against.

Reps. Franklin Tilton and Sprague spoke in favor.

On a division vote, 268 members having voted in the affirmative and 41 in the negative, the committee report was adopted.

### SPECIAL ORDERED

Rep. Spang moved that **HB 777-FN-A**, imposing a fee and a fine for certain changes to terrain alteration permits, be made a Special Order for April 5, 2007 as the first order of business.

Adopted.

### SUSPENSION OF RULES

Rep. Wallner moved that the Rules be so far suspended to allow the deadline for reporting on House Bills not in a second committee, except budgets, be extended until April 5, 2007.

Adopted by the necessary two-thirds.

### SPECIAL ORDERED

Without objection, the Speaker ordered the remainder of the bills on today's calendar to be made Special Orders for April 5, 2007 in their Regular Calendar order.

### RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 5, 2007 at 10:00 a.m.

Adopted.

### Third reading and final passage

**HB 437-FN-L**, permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

**HB 554**, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office in Concord.

**HB 791-FN**, establishing a commission to study the legal and social effects of permitting same gender marriage.

**HB 849**, relative to rent payments by voucher issued by a state or municipal agency.

**HB 866**, relative to the right-to-know law application to public utilities commission matters.

**HB 882-FN**, relative to limitations on tort liability of government units.

**HB 81**, relative to required pay for employees called into work.

**HB 203**, relative to protections for temporary workers.

**HB 254**, relative to mandatory employer meetings about political and religious beliefs, including beliefs about joining a union.

**HB 514-FN-L**, relative to the applicable minimum wage for hourly employees.

**HB 797**, regulating mandatory overtime for nurses and assistants.

**HB 848**, relative to a private right of action to recover workers' compensation coverage payments.

**HB 293**, allowing municipalities to establish agricultural commissions.

**HB 457**, allowing local governing bodies to restrict lawn watering during declared droughts.

### RECESS MOTION

Rep. Wallner moved that the House stand in recess.

Adopted.

The House recessed at 6:30 p.m.

### RECESS

### (Speaker Norelli in the Chair)

Rep. Wallner moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 13**

Thursday, April 5, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

**LEAVES OF ABSENCE**

Reps. Ahlgren, Beauchesne, Clemons, Coughlin, Daler, Dumaine, Fesh, Fontas, Heald, Stephen Johnson, Laliberte, Benjamin Moore, Moran, Spaulding and Wood, the day, illness.

Reps. Arsenault, Beck, Jennifer Brown, Julie Brown, Brendon Browne, Russell Day, Stephanie Eaton, Ginsburg, Goodwin, Grassie, Haley, Hebert, Henson, Houde, Jean, Sally Kelly, John Knowles, Mary Ann Knowles, Lisle, Mack, Matheson, McCarthy, Evalyn Merrick, Scott Merrick, Merrow, Mesa, Mickelonis, Miller, Bennett Moore, O'Brien, Parkhurst, Pelkey, Priestly, Reed, Reeve, Reeves, Reuschel, Gary Richardson, Serlin, Daniel Sullivan, Sysyn, Tahir and Wells, the day, important business.

Reps. Hofemann and Lovett, the day, illness in the family.

**CLERK'S NOTE**

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

**SPECIAL ORDER**

**HB 777-FN-A**, imposing a fee and a fine for certain changes to terrain alteration permits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan R. Kepner for Resources, Recreation and Development: This bill as amended clarifies agricultural exemptions for alteration of terrain permits and sets penalties for change of use to any other activity. The penalty shall be based on the amount of land changed and length of time before the change. It will be distributed as follows: 40% to the Land and Community Heritage Investment Program; 40% to the wetlands fund (RSA 482-A:14, III); and 20% to town conservation commissions, to be distributed to the other two if there is no commission. This mirrors the wetland mitigation program where penalties for disturbing wetlands fund a compensatory conservation of land. Vote 16-2.

**Amendment (0862h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to agricultural exemptions from alteration of terrain permitting requirements and penalties for site development.

Amend the bill by replacing all after the enacting clause with the following:

1 Terrain Alteration; Exemption. Amend RSA 485-A:17, III to read as follows:

III. ~~[Normal agricultural operations shall be exempt from the provisions of this section:]~~ The department may exempt other state agencies from the permit and fee provisions of this section provided that each such agency has incorporated appropriate protective practices in its projects which are substantially equivalent to the requirements established by the department under this chapter.

2 New Sections; Agricultural Exemption for Alteration of Terrain; Site Development Penalty. Amend RSA 485A by inserting after section 17 the following new sections:

485-A:17-a Agricultural Exemption for Alteration of Terrain.

I. Normal agricultural operations shall be exempt from the provisions of RSA 485-A:17.

II. Any project that involves the removal of trees and stumps from lands that are not wetlands and would otherwise require a permit under RSA 485-A:17, I-II or RSA 483-B:6, solely for purposes of conversion to agriculture may be considered normal agricultural operations and, therefore, is exempt from the permitting requirements of RSA 485-A:17 subject to filing prior notification with the department on a form prescribed by the department with complete information. This exemption shall expire one year after its filing with the department.

III. Projects that qualify for this agricultural exemption include those that:

(a) Only involve tree removal and stumping;

(b) Do not significantly alter the characteristics of the terrain in such a manner as to impede the natural runoff or create an unnatural runoff by causing significant contour changes by filling or grading or terracing or both; and

(c) Are necessary for an agricultural operation as defined in RSA 21:34-a and are not intended as a phase towards site development for a different purpose that would be covered by the alteration of terrain requirements.

IV. Exempt projects shall not include projects involving:

- (a) Contour changes created by significant filling, grading, and topsoil removal;
- (b) The erection of structures not related to agricultural operations; or
- (c) Construction of roads not related to agricultural operations.

485-A:17-b Site Development Penalty.

I. The landowner shall pay to the department a penalty as described in paragraph II if, within 6 years of filing the notification under RSA 485-A:17-a, II:

- (a) Land use changes from agriculture to any activity other than forestry; or
- (b) Changes described in RSA 485-A:17-a, III occur.

II. The penalty shall be based on the amount of land on which changes described in paragraph I occur, and the following time periods in which the changes took place calculated from the filing date of the notification, and the associated per acre rates with such acre rates to be prorated:

- (a) Filing to 2 years - \$5,000 per acre;
- (b) 2 to 3 years - \$4,000 per acre;
- (c) 3 to 4 years - \$3,000 per acre;
- (d) 4 to 5 years - \$2,000 per acre; and
- (e) 5 to 6 years - \$1,000 per acre.

III. The department shall distribute these funds as follows:

- (a) 40 percent to the trust fund for the New Hampshire land and community heritage investment program established under RSA 227-M:7;
- (b) 40 percent to a non-lapsing fund held by the treasurer under RSA 482-A:14, III; and
- (c) 20 percent to the town conservation commission established under RSA 36-A, if any. If the town has not established a conservation commission, the money shall be equally divided between the funds listed under subparagraph (a)-(b).

IV. The penalties provided for in this section shall be in addition to any other penalties, fines, or enforcement provisions or other requirements of law.

3 Effective Date. This act shall take effect January 1, 2008.

#### AMENDED ANALYSIS

This bill:

I. Establishes an agricultural exemption from the alteration of terrain permitting requirements.

II. Establishes a penalty for site development.

Amendment adopted.

Committee report adopted by the necessary two-thirds.

Referred to the Committee on Ways and Means.

#### REGULAR CALENDAR – SPECIAL ORDERS

**HB 753-FN-A**, relative to the electronic toll collection transponder inventory fund. **OUGHT TO PASS.** Rep. John A. Graham for Public Works and Highways: This bill allows the Department of Transportation to establish a revolving fund for the purpose of maintaining an adequate supply of EZ Pass transponders. The fund would be capped at \$1 million, with the source being the turnpike fund. In 2006, the House passed an identical measure (HB 1656), and while it passed the Senate, the bill died in a committee of conference when the House would not agree to a non-germane amendment. Vote 14-0.

Committee report adopted by the necessary two-thirds.

Ordered to third reading.

**HB 754-FN**, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Graham for Public Works and Highways: This bill dissolves the Maine-New Hampshire Interstate Bridge Authority. This Authority was established in the 1930's to build and oper-

ate the Sarah Mildred Long Bridge between Portsmouth and Kittery. The Authority has outlived its usefulness and should be eliminated. The amendment establishes a non-lapsing fund for the remainder of the funds under the control of the Authority, which was originally funded through tolls. This new fund will be utilized for the operation and maintenance of the bridge until such time as it is exhausted. Vote 12-1.

#### **Amendment (0726h)**

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 New Section; Fund Established. Amend RSA 234 by inserting after section 65 the following new section:

234:66 Fund Established. Any and all funds received by the department of transportation relative to the Portsmouth Kittery Bridge, also known as the Sarah Mildred Long Bridge, shall be deposited with the state treasurer who shall keep such funds in a special nonlapsing account known as the Portsmouth-Kittery Bridge fund, to be expended by the department of transportation for the purpose of operations, maintenance, and repairs of the Portsmouth-Kittery Bridge.

4 New Subparagraph; Portsmouth-Kittery Bridge Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the Portsmouth-Kittery Bridge fund under RSA 234:66.

#### **AMENDED ANALYSIS**

This bill:

I. Repeals the law relative to the Maine-New Hampshire Interstate Bridge Authority and the Portsmouth-Kittery Bridge also known as the Sarah Mildred Long Bridge.

II. Requires the department of transportation to deposit funds received relative to the bridge with the state treasurer.

This bill is a request of the department of transportation.

Amendment adopted.

Committee report adopted by the necessary two-thirds.

Ordered to third reading.

**HB 165**, establishing a committee to study the feasibility of carbon reduction incentives. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Borden for Science, Technology and Energy: The original intent of this bill was to study the concept of incentives to reduce carbon consumption and promote energy conservation by citizens and organizations in New Hampshire. The majority agreed that the intent of this bill could be satisfied in other legislation, notably HB 467, which would develop a climate change action plan. Vote 15-2. Committee report adopted by the necessary two-thirds.

**HB 467**, requiring the department of environmental services to develop a climate action plan and to report on global warming issues. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Borden for Science, Technology and Energy: It shall be the goal of the state of New Hampshire to reduce greenhouse gas emissions to 1990 levels by 2010 and 10% below 1990 levels by 2020. This is consistent with a plan endorsed by the Conference of New England Governors and Eastern Canadian Premiers and the commission will be charged with establishing a plan for New Hampshire to meet these goals. Vote 11-3.

#### **Amendment (0880h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a state climate change policy commission and developing a climate action plan and to report on climate change issues.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The Conference of New England Governors and Eastern Canadian Premiers (NEGECP) agreed in 2001 to a regional goal of reducing greenhouse gas emissions to 1990 levels by 2010, and to 10 percent below 1990 levels by 2020. That agreement also called for each jurisdiction to create a plan articulating measures to achieve greenhouse gas reductions in view of these regional short and mid-term targets. It shall be the goal of the state of New Hampshire to reduce greenhouse gas emissions consistent with the NEGECP agreement, as practicable, recognizing the regional nature of that agreement.

2 Commission Established. There is hereby established a state climate change policy commission.

3 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Two members of the senate, appointed by the president of the senate.

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(c) Ten members appointed by the governor, two of whom shall come from each of the following organizations or interests: general commerce and industry, environmental interests, science/academia, public utilities, and insurance interests.

(d) The commissioner of the department of environmental services, or designee.

(e) A member of the public utilities commission, appointed by the commission.

(f) The public utilities consumer advocate, or designee.

(g) The director of the office of energy and planning, or designee.

(h) The commissioner of the department of resources and economic development, or designee.

(i) The commissioner of the department of transportation, or designee.

(j) The commissioner of the department of safety, or designee.

II. Legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

4 Duties.

I. The commission shall propose and adopt a climate action plan consistent with the goals of the NEGECP Climate Change Agreement of 2001. Recommended actions in the plan shall be both prudent and achievable, and shall recognize the regional nature of the agreement. The plan shall:

(a) Be comprehensive in scope and identify greenhouse gas reductions in each economic sector including power generation, transportation and land use, and industrial, commercial, and residential energy use, that are needed to meet overall reduction goals.

(b) Promote the economic and efficient use of energy and the development of renewable energy resources.

(c) Include provisions for public education and outreach by the department of environmental services and other state agencies relative to climate action.

(d) Include recommendations to the general court and the governor for legislation necessary to implement the plan.

II. Prior to adopting the plan, the commission shall hold at least 2 public hearings on the proposed plan and appropriately consider all stakeholder comments.

III. The department of environmental services shall serve as the lead agency in assisting the commission in its duties. The department of environmental services shall update its state greenhouse gas emissions inventory and develop baselines for both 1990 emissions and future projected emissions without reductions to determine the amount of reductions needed. The department, in conjunction with other member state agencies and commission members, as appropriate, shall prepare an initial draft action plan for review by the full commission by September 1, 2007, unless extended by the commission.

IV. As part of its work in developing the plan, the commission shall:

(a) Study the current state of climate science and scientific studies on the current and anticipated state and regional impacts of climate change in order to better define the need and urgency for state policy actions.

(b) Identify how energy efficiency opportunities and incentive programs, in all forms of energy usage, can contribute to greenhouse gas emissions reductions, including conservation.

(c) Study promoting renewable energy, both for electrical production and as a heat and transportation fuel source, including all current and ongoing legislation and other efforts to promote development of cleaner, less carbon intensive energy including renewable portfolio standards, the regional greenhouse gas initiative, the governor's "25 percent by '25" renewable energy initiative, the governor's executive order on energy efficiency, and any other such measures.

5 Long-term NEGECP Goal. The commissioner of environmental services shall consult with the NEGECP to establish a date for the organization's long-term regional goal of reducing the emissions of greenhouse gases by 75 to 85 percent below 2001 levels.

6 Chairperson. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting shall be held within 45 days of the effective date of this section.



7 Report. The commission shall file its plan with the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library by December 1, 2007.

8 Effective Date. This act shall take effect upon passage.

#### AMENDED ANALYSIS

This bill establishes a state climate change policy commission to develop a climate action plan in conjunction with the department of environmental services and report on and make recommendations on climate change issues in New Hampshire.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 152 members having voted in the affirmative and 80 in the negative, the committee report failed lacking the necessary two-thirds.

Rep. Hawkins moved Inexpedient to Legislate.

#### MOTION TO LAY ON THE TABLE

Rep. Daniel Eaton moved that **HB 467**, establishing a state climate change policy commission and developing a climate action plan and to report on climate change issues, be laid on the table.

On a division vote, 167 members having voted in the affirmative and 93 in the negative, the motion failed lacking the necessary two-thirds.

Rep. Kaen moved Recommit.

On a division vote, 248 members having voted in the affirmative and 19 in the negative, the motion was adopted by the necessary two-thirds.

Recommitted to the Committee on Science, Technology and Energy.

#### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Whalley moved that the House reconsider its action whereby it adopted the motion to Recommit **HB 467**, establishing a state climate change policy commission and developing a climate action plan and to report on climate change issues, to the Committee on Science, Technology and Energy.

Rep. Whalley spoke against.

Rep. Daniel Eaton spoke in favor.

Motion failed.

#### REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

**HB 689**, establishing a commission to study production and distribution of biodiesel fuel in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Borden for Science, Technology and Energy: Biodiesel, produced from vegetable oils and animal waste, potentially could replace 20% of the fossil fuels used in diesel and home heating oil in New Hampshire. The commission created by this bill will explore how New Hampshire farmers and businesses can develop local production facilities for biodiesel, and for distribution of this fuel to our residents. Vote 15-1.

#### Amendment (0818h)

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study the production and distribution of biodiesel in New Hampshire.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) The commissioner of the department of environmental services, or designee.

(d) The director of the New Hampshire office of energy planning, or designee.

(e) The commissioner of the department of transportation, or designee.

(f) A professor of agribusiness from the university of New Hampshire, appointed by the president of the university.

- (g) The commissioner of the department of agriculture, markets, and food, or designee.
- (h) The commissioner of the department of safety, or designee.
- (i) The commissioner of the department of resources and economic development, or designee.
- (j) A member of the faculty of the university of New Hampshire, physics department, appointed by the president of the university.
- (k) A professor from Keene state college, appointed by the president of the college.
- (l) A representative from the motor transport industry.
- (m) A representative from the fuel dealers business.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study:

- I. How much biodiesel New Hampshire can produce.
- II. What sources exist for production in the state and region.
- III. What is the best way to distribute biodiesel.
- IV. Ways to encourage biodiesel production in New Hampshire.
- V. What barriers exist preventing or slowing increased use of biodiesel in New Hampshire.
- VI. What is the current demand and what action would encourage increased demand for biodiesel in New Hampshire.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

6 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Committee report adopted by the necessary two-thirds.

Ordered to third reading.

**HB 768, relative to voluntary registration with the Eastern Climate Registry. OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas R. Fargo for Science, Technology and Energy: This bill amends RSA 125-L to replace New Hampshire's existing voluntary greenhouse gas registry with the regional Eastern Climate Registry. The committee recognized that documenting greenhouse gas emissions needs to be regional in scope and requires rigorous data quality assurance protocols. Participating in the Eastern Climate Registry would enable businesses and other greenhouse gas sources to document their early voluntarily emission reduction efforts and establish a baseline by which potential future state and federal regulatory action could be measured. Testimony indicated that businesses are seeking opportunities to report their environmental leadership efforts. The Eastern Climate Registry includes standards for reporting emissions data and third-party verification. The bill anticipates expansion into a multi-state and perhaps national registry and directs the department of environmental services to coordinate with other states and report annually to the legislature. The majority felt that the legislature should affirmatively support New Hampshire's participation established by statute, rather than participating by executive order. Vote 12-5.

**Amendment (0778h)**

Amend the bill by deleting section 1 and renumbering the original sections 2-4 to read as 1-3, respectively.

Amend the bill by replacing section 1 with the following:

1 Eastern Climate Registry; New Hampshire Participation. Amend RSA 125-L:2 to read as follows: 125-L:2 *Eastern Climate Registry.*

*I. In order to help protect the interests of New Hampshire sources and the state's economy under a future federal regulatory scheme relating to greenhouse gas emissions, and to help encourage the voluntary reduction of greenhouse gas emissions by New Hampshire sources, the department shall [establish and administer a registry whereby sources of greenhouse gas emissions may record and register early, voluntary greenhouse gas emissions reductions made after 1990. The*

~~purpose of this registry shall be to help sources establish a baseline against which any future federal greenhouse gas emissions reduction requirements may apply.] encourage sources to register their inventory of greenhouse gas emissions with the Eastern Climate Registry.~~

**II. The department shall work with other states to expand upon the Eastern Climate Registry and develop a broader multi-state registry for greenhouse gas emissions records to support emissions reporting and reduction policies.**

**III. The department shall prepare an annual report for the general court summarizing New Hampshire's participation in the Eastern Climate Registry.**

Amendment adopted.

On a division vote, 208 members having voted in the affirmative and 57 in the negative, the committee report was adopted by the necessary two-thirds.

Ordered to third reading.

### CLERK'S NOTE

The constitutionally required two-thirds of the membership for the normal transaction of business was declared present.

### REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

**HR 7**, urging increased consideration and preservation of local authority in international trade and investment agreements. **OUGHT TO PASS.**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: As pertaining to the New Hampshire Constitution, the purpose of HR 7 is to ensure that the Governor of New Hampshire retains the opportunity to use the authority granted to him/her by the people of this state to have input into any international and/or investment agreement that may be entered into by the federal government that could have a major impact on the citizens and businesses of New Hampshire. Whenever the U.S. Senate gives up its constitutional authority to approve all treaties by allowing the President "fast track" authority, the citizens are placed at risk. There have been a number of occasions where the people of New Hampshire have paid a high price for fast tracked agreements. An issue of grave concern to many communities is who controls ground water withdrawal rights. HR 7 tells our local congressional delegation that we as citizens desire that they withhold their final votes until the governor has had his/her input. Vote 7-5.

Rep. Campbell requested a roll call; sufficiently seconded.

### YEAS 184 NAYS 89

#### YEAS 184

#### BELKNAP

Morrison, Gail Pilliod, James

#### CARROLL

Bridgham, Robert Bucu, Thomas Butler, Edward Cunningham, Howard  
 Heard, Virginia Patten, Betsy

#### CHESHIRE

Burridge, Delmar Butterworth, Timothy Butynski, William Chase, William  
 Dunn, J. Timothy Eaton, Daniel Johnson, Jane Lerandeau, Alfred  
 Mitchell, Bonnie Plifka, Stanley Jr Richardson, Barbara Robertson, Timothy  
 Sad, Tara Weber, Lucy Weed, Charles

#### COOS

Hatch, William Ingersoll, Paul Sr Mears, Edgar Theberge, Robert  
 Thomas, Yvonne

#### GRAFTON

Aguiar, James Almy, Susan Andersen, Gene Bleyler, Ruth  
 Cooney, Mary Friedrich, Carol Hammond, Lee Harding, A Laurie  
 McLeod, Martha Mulholland, Catherine Nordgren, Sharon Pierce, David  
 Preston, Philip Solomon, Peter Sorg, Gregory Williams, Burton

**HILLSBOROUGH**

Beaulieu, Jane	Brunelle, Michael	Campbell, David	Chase, Claudia
Cote, David	Daniels, Gary	Dokmo, Cynthia	Edwards, Andrew
Essex, David	Forest, Armand	Foster, Linda	Francoeur, Bea
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Hackel, Paul	Hammond, Jill
Harvey, Suzanne	Irwin, Anne-Marie	Jasper, Shawn	Jeady, Jean
Kaelin, Michael	Kelley, John	Kopka, Angeline	Lasky, Bette
Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie	Long, Patrick
Marshall, Seth	Martineau, Jesse	Matarazzo, Anthony Sr	Messier, Irene
Movsesian, Lori	O'Connell, Timothy	O'Neil, James	Pilotte, Maurice
Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman	Smith, David
Spratt, Stephen	Vaillancourt, Steve	Velez, Hector	Winters, Joel

**MERRIMACK**

Baxley, Maureen	Bouchard, Candace	Brown, Carole	Brueggemann, Donald
Clarke, Claire	Davis, Frank	DeJoie, John	DeStefano, Stephen
Ehlers, Eileen	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hamm, Christine	Kjellman, Eleanor Glynn	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Porter, Margaret	Potter, Frances
Reardon, Tara	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary	Webb, Leigh	Wheeler, Deborah
Williams, Robert	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Allen, Mary	Borden, David	Brown, C. Pennington
Cali-Pitts, Jacqueline	Case, Frank	Casey, Kimberley	Charron, Gene
Day, Judith	Elliott, Robert	Flanders, John Sr	Flockhart, Eileen
Gould, Kenneth	Griffin, Mary	Grote, Otto	Howard, Doreen
Hutchinson, Karen	Kappler, Lawrence	Kelley, Jane	Kennedy, James
Kepner, Susan	Marsh, Michael	McEachern, Paul	Moody, Marcia
Nord, Susi	Pantelakos, Laura	Powers, James	Robertson, Carl
Russell, Trinka	Snow, Richard	Splaine, James	Waterhouse, Kevin
Welch, David			

**STRAFFORD**

Billian, Deborah	Brennan, William	Burke, Rachel	Cyr, James
DeChane, Marlene	Fargo, Thomas	Hubbard, Pamela	Hutz, Sarah
Kaen, Naida	Knowles, William	Perry, Robert	Rollo, Deanna
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Wall, Janet	Watson, Robert	

**SULLIVAN**

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gagnon, Raymond	Jillette, Arthur Jr	Nielsen, Ellen
Phinizy, James	Skinder, Carla		

**NAYS 89****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Russell, David	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

**CARROLL**

Brown, Carolyn	Denley, William	Martin, James	Stevens, Stanley
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**CHESHIRE**

Butcher, Suzanne	Emerson, Susan	Hunt, John
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**COOS**

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Bulis, Lyle

Dingman, Vernon III

Gionet, Edmond

**HILLSBOROUGH**

Barry, Richard  
Christensen, Chris  
Haefner, Robert  
Hogan, Edith  
Kurk, Neal  
Mooney, Maureen  
Price, Pamela  
Soucy, Connie

Batula, Peter  
Drisko, Richard  
Hansen, Ryan  
Holden, Randolph  
L'Heureux, Robert  
Ober, Lynne  
Renzullo, Andrew  
Stepanek, Stephen

Bergeron, Jean-Guy  
Emerton, Larry  
Hawkins, Ken  
Hunter, Bruce  
Lessard, Rudy  
Ober, Russell III  
Rowe, Robert  
Villeneuve, Maurice

Bergin, Peter  
Fletcher, Richard  
Hinkle, Peyton  
Infantine, William  
Manney, Pamela  
Peterson, Andy  
Shaw, Kimberly

**MERRIMACK**

Anderson, Eric  
MacKay, James

Humphries, Charlie

Kidder, David

Lockwood, Priscilla

**ROCKINGHAM**

Baldasaro, Alfred  
Camm, Kevin  
Emiro, Frank  
Ingram, Russell  
Katsakiores, Phyllis  
Nowe, Ronald  
Stiles, Nancy

Bedrick, Jason  
Dalrymple, David  
Garrity, James  
Introne, Robert  
Major, Norman  
Packard, Sherman  
Weare, Everett

Bettencourt, David  
Devine, James  
Guthrie, Joseph  
Itse, Daniel  
McKinney, Betsy  
Pearson, Mark  
Wickson, Rick

Buxton, Donald  
DiFruscia, Anthony  
Headd, James  
Katsakiores, George  
McMahon, Charles  
Sanders, Elisabeth  
Winchell, George

**STRAFFORD**

None

**SULLIVAN**

Rodeschin, Beverly  
and the committee report was adopted.  
Ordered to third reading.

**HR 9**, supporting the U.S. Mayors Climate Protection Agreement. **OUGHT TO PASS.**

Rep. Doreen Howard for State-Federal Relations and Veterans Affairs: It is very important that we don't confuse HR 9 with a global warming bill. This resolution is to tell congress that the people at the local level around New Hampshire and the country have taken it upon themselves to come with new and inventive ways of eliminating wastefully energy usage and reducing our dependence on foreign oil with renewal energy sources, while reducing the amount of pollution that we release into our surrounding environment. This while reducing the tax burden on our citizens. The U.S. Mayors Climate Protection Agreement has proven that governments at the local levels in partnerships with local businesses can improve energy efficiency without destroying or limiting the private's sector ability to make a profit. This HR is telling congress we know we can and have done it better and cheaper at the local and state level and now we would like to see the same result at the federal level. Vote 7-5.

On a division vote, 183 members having voted in the affirmative and 90 in the negative, the committee report was adopted.

Ordered to third reading.

**HB 898**, relative to the use of sled dogs and the training of sled dogs on state trails. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Betsy McKinney for the Majority of Resources, Recreation and Development: This bill as amended defines "mushing" to include training sled dogs using ATV's when there is no snow, to control their speed. Mushers and the Department of Resources & Economic Development Bureau

of Trails want to start opening some trails to ATV-assisted sled dog training that currently are specified for non-motorized use only. Mushers need straight long rock free trails to train off-season. They attested that they would have an impact that would be very different from usual ATV riding. HB 898 provides for a pilot project that opens seven specific trails until January 1, 2009, during which the impact on both mushers and the other users of the trails can be assessed. In the meantime, the Bureau of Trails will be able to develop criteria for opening trails to ATV-mushing and approaches management of that activity. Vote 13-5.

Rep. David H. Russell for the Minority of Resources, Recreation and Development: The minority had an amendment requiring the Bureau of Trails to adopt administrative rules for approving trails for off season sled dog training with ATV's, rather than putting a list of approved trails in statute. We feel that this bill as passed gives the appearance of micro-managing, rather than allowing the Bureau of Trails to adopt rules defining trails appropriate for this use. The Bureau has more expertise in this than a legislative committee.

### Majority Amendment (0855h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Definitions. Amend RSA 215-A:1 by inserting after paragraph XX the following new paragraphs:

XXI. "Mushing" means the activity of using sled dogs to pull motorized or non-motorized devices.

XXII. "Sled dogs" means teams of dogs driven by a person or persons pulling sleds, a skier, wheeled rigs, and other motorized and non-motorized devices used to train or control the teams.

2 New Subparagraph; Sled Dog Trails. Amend RSA 215-A:42, I by inserting after subparagraph (d) the following new subparagraph:

(e) A management plan exists that specifically allows the operation of sled dogs and training devices used to train or control sled dogs on the property.

3 New Subparagraph; Sled Dog Trails; Evaluation Process. Amend RSA 215-A:43, II by inserting after subparagraph (cc) the following new subparagraph:

(dd) The bureau has consulted the New Hampshire Mushers Association about the use of sled dogs and training equipment on the trails.

4 Use of Statewide Trail System; Mushing Added. Amend RSA 216-F:2, I to read as follows:

I. The trails within the system shall be held, developed and administered under this chapter primarily as recreational trails for hiking, nature walks, bird watching, horseback riding, bicycling, ski touring, snowshoeing, snowmobiling, **mushing**, and off highway recreational vehicles and the natural scenic beauty thereof shall be preserved insofar as is practical; provided, however, that the commissioner may permit uses of trails and land acquired hereunder, by the owner of adjoining land or others, in such a manner and at such seasons as will not substantially interfere with the primary use of the trails. ***Any trail designated as a sled dog training area shall be posted as such on each end of the trail during the training season.***

5 Multi-Use Statewide Trail System; Advisory Committee. Amend RSA 216-F:5, I to read as follows:

I. The commissioner shall appoint a New Hampshire statewide trail system advisory committee, for the purposes of advising the director of parks and recreation on matters related to the New Hampshire statewide trail system. The members shall equally represent the different trail interests involved and the general public. This committee shall include, but not be limited to, representation from the following: the bureau of trails; department of fish and game; office of energy and planning; department of transportation; governor's commission on disability; New Hampshire Snowmobile Association; a representative of Granite State ATV Association; Appalachian Mountain Club; New Hampshire Municipal Association; Society for the Protection of New Hampshire Forests; the New Hampshire Heritage Trail; the New Hampshire Farm Bureau Federation; the New Hampshire Horse Council, Inc.; ***the New Hampshire Mushers Association***; a representative of landowners; and the bicycle trail coordinator from the department of transportation.

6 New Section; Exception to Use of ATVs on Public Land. Amend RSA 215-A by inserting after section 3-a the following new section:

215-A:3-b Exception to Use of ATVs on Public Land.

I. The use of ATVs for sled dog training shall be prohibited on non-motorized trails on public lands except those listed below:

(a) Rockingham Recreational Rail Trail, Fremont Branch from Route 107 in Fremont to Route 25 in Epping.

(b) Ashuelot Recreational Rail Trail, in the towns of Hinsdale, Winchester, Swanzey, and Keene.

(c) Northern Branch Recreational Rail Trail, in the towns of Lebanon, Enfield, Canaan, Grafton, Danbury, and Andover.

(d) Rochester Branch Recreational Rail Trail, in the towns of Rochester and Farmington.

(e) Presidential Recreational Rail Trail, in the towns of Gorham, Randolph, and Jefferson.

(f) Bear Brook state park, roads and road-width trails, in the towns of Allenstown, Deerfield, Candia, and Hooksett.

(g) Pawtuckaway state park, roads and road-width trails, in the towns of Deerfield and Nottingham.

II. The use of all trails is subject to the conditions of the Federal Highway Administration for trails funded through the Transportation Enhancement Program.

7 Repeal. RSA 215-A:3-b, relative to exception to use of ATVs on public land, is repealed.

8 Effective Date.

I. Section 7 of this act shall take effect January 1, 2009.

II. The remainder of this act shall take effect 60 days after its passage.

Rep. David Russell spoke against and yielded to questions.

Rep. Spang spoke in favor and yielded to questions.

On a division vote, 180 members having voted in the affirmative and 101 in the negative, the majority committee amendment was adopted.

Rep. David Russell offered floor amendment (1004h).

#### **Floor Amendment (1004h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Definition; Mushing; Sled Dogs. Amend RSA 215-A:1 by inserting after paragraph XX the following new paragraphs:

XXI. "Mushing" means the activity of using sled dogs to pull motorized or non-motorized devices.

XXII. "Sled dogs" means teams of dogs driven by a person or persons pulling sleds, a skier, wheeled rigs, and other motorized and non-motorized devices used to train or control the teams. When a team of sled dogs is physically attached to the front of an ATV, as defined in this section, for the sole purpose of sled dog training, it shall not be classified as an OHRV.

2 New Subparagraph; Sled Dog Trails. Amend RSA 215-A:42, I by inserting after subparagraph (d) the following new subparagraph:

(e) A management plan exists that specifically allows the operation of sled dogs and training devices used to train or control sled dogs on the property.

3 New Subparagraph; Sled Dog Trails; Evaluation Process. Amend RSA 215-A:43, II by inserting after subparagraph (cc) the following new subparagraph:

(dd) The bureau has consulted the New Hampshire Mushers Association about the use of sled dogs and training equipment on the trails.

4 Use of Statewide Trail System; Mushing Added. Amend RSA 216-F:2, I to read as follows:

I. The trails within the system shall be held, developed and administered under this chapter primarily as recreational trails for hiking, nature walks, bird watching, horseback riding, bicycling, ski touring, snowshoeing, snowmobiling, **mushing**, and off highway recreational vehicles and the natural scenic beauty thereof shall be preserved insofar as is practical; provided, however, that the commissioner may permit uses of trails and land acquired hereunder, by the owner of adjoining land or others, in such a manner and at such seasons as will not substantially interfere with the primary use of the trails. ***Any trail designated as a sled dog trail area shall be posted as such on each end of the trail during the training season.***

5 Multi-Use Statewide Trail System; Advisory Committee. Amend RSA 216-F:5, I to read as follows:

I. The commissioner shall appoint a New Hampshire statewide trail system advisory committee, for the purposes of advising the director of parks and recreation on matters related to the New Hampshire statewide trail system. The members shall equally represent the different trail interests involved and the general public. This committee shall include, but not be limited to, representa-

tion from the following: the bureau of trails; department of fish and game; office of energy and planning; department of transportation; governor's commission on disability; New Hampshire Snowmobile Association; a representative of Granite State ATV Association; Appalachian Mountain Club; New Hampshire Municipal Association; Society for the Protection of New Hampshire Forests; the New Hampshire Heritage Trail; the New Hampshire Farm Bureau Federation; the New Hampshire Horse Council, Inc.; *the New Hampshire Mushers Association*; a representative of landowners; and the bicycle trail coordinator from the department of transportation.

6 New Paragraph; Bureau of Trails; Bureau Responsibilities. Amend RSA 215-A:3 by inserting after paragraph X the following new paragraph:

XI. The New Hampshire bureau of trails shall adopt administrative rules relative to approved trails for off season sled dog training. The New Hampshire bureau of trails shall also maintain a list of approved trails for off season sled dog training. Updated lists shall be sent to the chair of the house resources, recreation and development committee and the New Hampshire statewide trails advisory committee when trails are added or removed from the list.

7 Effective Date. This act shall take effect 60 days after its passage.

Rep. David Russell spoke in favor and yielded to questions.

Rep. Spang spoke against.

Floor amendment (1004h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. David Russell requested a roll call; sufficiently seconded.

## YEAS 166 NAYS 111

### YEAS 166 BELKNAP

Morrison, Gail                      Pilliod, James

### CARROLL

Bridgham, Robert                      Bucu, Thomas                      Butler, Edward                      Cunningham, Howard  
Heard, Virginia

### CHESHIRE

Burridge, Delmar                      Butterworth, Timothy                      Butynski, William                      Chase, William  
Dunn, J. Timothy                      Eaton, Daniel                      Emerson, Susan                      Lerandeau, Alfred  
Mitchell, Bonnie                      Plifka, Stanley Jr                      Richardson, Barbara                      Robertson, Timothy  
Sad, Tara                      Weber, Lucy                      Weed, Charles

### COOS

Hatch, William                      Ingersoll, Paul Sr                      Mears, Edgar                      Remick, William  
Thomas, Yvonne

### GRAFTON

Aguiar, James                      Almy, Susan                      Bleyler, Ruth                      Cooney, Mary  
Estes, Carole                      Friedrich, Carol                      Hammond, Lee                      Harding, A Laurie  
McLeod, Martha                      Mulholland, Catherine                      Nordgren, Sharon                      Pierce, David  
Preston, Philip                      Solomon, Peter

### HILLSBOROUGH

Beaulieu, Jane                      Bergin, Peter                      Brunelle, Michael                      Chase, Claudia  
Cote, David                      Dokmo, Cynthia                      Edwards, Andrew                      Essex, David  
Forest, Armand                      Foster, Linda                      Gargas, Carolyn                      Garrity, Patrick  
Ginsburg, Ruth                      Goley, Jeffrey                      Gorman, Mary                      Hackel, Paul  
Hammond, Jill                      Harvey, Suzanne                      Irwin, Anne-Marie                      Jeudy, Jean  
Kaelin, Michael                      Kelley, John                      Kopka, Angeline                      L'Heureux, Robert  
Lasky, Bette                      Levasseur, Nickolas                      Levesque, Melanie                      Long, Patrick  
Manney, Pamela                      Marshall, Seth                      Martineau, Jesse                      Matarazzo, Anthony Sr



Messier, Irene  
Schulze, Joan  
Velez, Hector

Movsesian, Lori  
Shattuck, Gilman  
Winters, Joel

O'Neil, James  
Spratt, Stephen

Rosenwald, Cindy  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
Foose, Robert  
Hamm, Christine  
Osborne, Jessie  
Reardon, Tara  
Tupper, Frank  
Williams, Robert

Baxley, Maureen  
Davis, Frank  
French, Barbara  
Kjellman, Eleanor Glynn  
Owen, Derek  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

Brown, Carole  
DeJoie, John  
Gile, Mary  
Lockwood, Priscilla  
Porter, Margaret  
Shurtleff, Stephen  
Webb, Leigh

Brueggemann, Donald  
Ehlers, Eileen  
Greco, Vincent  
McMahon, Patricia  
Potter, Frances  
Tilton, Joy  
Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
Cali-Pitts, Jacqueline  
Elliott, Robert  
Kappler, Lawrence  
McEachern, Paul  
Pantelakos, Laura  
Splaine, James

Allen, Mary  
Casey, Kimberley  
Garrity, James  
Kennedy, James  
McKinney, Betsy  
Powers, James  
Waterhouse, Kevin

Borden, David  
Day, Judith  
Grote, Otto  
Kepner, Susan  
Moody, Marcia  
Robertson, Carl

Brown, C. Pennington  
DiFruscia, Anthony  
Howard, Doreen  
Marsh, Michael  
Nord, Susi  
Russell, Trinka

### STRAFFORD

Billian, Deborah  
DeChane, Marlene  
Kaen, Naida  
Rollo, Michael  
Spang, Judith

Brennan, William  
Fargo, Thomas  
Knowles, William  
Rous, Emma  
Wall, Janet

Burke, Rachel  
Hubbard, Pamela  
Perry, Robert  
Schmidt, Peter

Cyr, James  
Hutz, Sarah  
Rollo, Deanna  
Smith, Marjorie

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Skinder, Carla

Converse, Larry  
Gagnon, Raymond

Donovan, Thomas  
Jillette, Arthur Jr

Ferland, Brenda  
Nielsen, Ellen

### NAYS 111

### BELKNAP

Allen, Janet  
Millham, Alida  
Wendelboe, Fran

Boyce, Laurie  
Russell, David  
Whalley, Michael

Clark, Charles  
Tilton, Franklin

Flanders, Donald  
Tobin, William

### CARROLL

Brown, Carolyn  
Stevens, Stanley

Denley, William

Martin, James

Patten, Betsey

### CHESHIRE

Butcher, Suzanne

Hunt, John

Johnson, Jane

### COOS

King, Frederick

Stohl, Eric

Theberge, Robert

Tholl, John Jr

### GRAFTON

Andersen, Gene  
Sorg, Gregory

Bulis, Lyle  
Williams, Burton

Dingman, Vernon III

Gionet, Edmond

### HILLSBOROUGH

Barry, Richard  
Clark, Mark

Batula, Peter  
Daniels, Gary

Bergeron, Jean-Guy  
Drisko, Richard

Christensen, Chris  
Emerton, Larry

Fletcher, Richard  
Hansen, Ryan  
Holden, Randolph  
Leishman, Peter  
Ober, Russell III  
Renzullo, Andrew  
Smith, David  
Villeneuve, Maurice

Francoeur, Bea  
Hawkins, Ken  
Hunter, Bruce  
Lessard, Rudy  
Peterson, Andy  
Rowe, Robert  
Soucy, Connie

Graham, John  
Hinkle, Peyton  
Infantine, William  
Mooney, Maureen  
Pilotte, Maurice  
Shaw, Barbara  
Stepanek, Stephen

Haefner, Robert  
Hogan, Edith  
Jasper, Shawn  
O'Connell, Timothy  
Price, Pamela  
Shaw, Kimberly  
Ulery, Jordan

### MERRIMACK

DeStefano, Stephen

Humphries, Charlie

Kidder, David

MacKay, James

### ROCKINGHAM

Baldasaro, Alfred  
Buxton, Donald  
Charron, Gene  
Flanders, John Sr  
Guthrie, Joseph  
Introne, Robert  
Kelley, Jane  
Packard, Sherman  
Sanders, Elisabeth  
Welch, David

Bedrick, Jason  
Camm, Kevin  
Dalrymple, David  
Flockhart, Eileen  
Headd, James  
Itse, Daniel  
Major, Norman  
Pearson, Mark  
Snow, Richard  
Weyler, Kenneth

Bettencourt, David  
Carson, Sharon  
Devine, James  
Gould, Kenneth  
Hutchinson, Karen  
Katsakiores, George  
McMahon, Charles  
Rausch, James  
Stiles, Nancy  
Wickson, Rick

Bishop, Franklin  
Case, Frank  
Emiro, Frank  
Griffin, Mary  
Ingram, Russell  
Katsakiores, Phyllis  
Nowe, Ronald  
Reagan, John  
Weare, Everett  
Winchell, George

### STRAFFORD

Watson, Robert

### SULLIVAN

Rodeschin, Beverly  
and the majority committee report was adopted.  
Ordered to third reading.

### **HB 873-FN-L, establishing minimum renewable standards for energy portfolios. OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Harvey for Science, Technology and Energy: Twenty-three states have adopted a renewable portfolio standard (RPS), including every New England state except NH. HB 873 will require electric suppliers to obtain renewable energy certificates (RECs) for a certain percentage of their electricity supplied to NH customers. Eligible renewable resources include development of a broad range of new electricity generation as well as certain existing renewable generation common to NH. The purpose of the bill is to spur economic development, reduce our dependence on imported fuels, mitigate energy price and supply volatility, and reduce air emissions from our energy supply. An economic analysis by UNH's Whittemore School of Business & Economics showed a small short-term cost but a long-term economic gain from the positive effects on the energy market and in-state development. Over many months the bill's sponsors scheduled group meetings with the state's energy stakeholders, including the utilities, associations, and private companies, plus DES, the Office of Energy Planning, and the Public Utilities Commission, to listen to interests and concerns and develop a NH RPS that would satisfy the majority of parties. The committee held an all-day hearing at which members heard overwhelming support for an RPS. Vote 14-1.

### **Amendment (0857h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that:

I. New Hampshire's electric utility restructuring policy principles in RSA 374-F:3, IX recognize that increased use of renewable resources can provide environmental, economic, and energy security benefits.

II. In 2005, 2.3 million megawatt hours of electricity was generated from renewable energy facilities, including hydroelectric, biomass, and landfill gas power plants, with a combined generating capacity of 576 megawatts. This equaled 10 percent of the total electricity generation and 20 percent of the total retail electricity sales in New Hampshire in 2005.

III. The 2002 state energy plan prepared by the governor's office of energy and community services pursuant to 2001, 121 recommended establishing a renewable portfolio standard to support indigenous renewable energy sources such as wood and hydroelectric, to encourage investments in new renewable power generation in the state, and to allow New Hampshire to benefit from the diversity, reliability, and economic benefits that come from clean power.

IV. The state energy policy commission, established by 2006, 257:1 identified in its December 1, 2006 interim report principles that the governor and general court should use to evaluate any new energy policy initiative. One principle is to increase the state's fuel diversity by reducing the fossil fuel component of the state's energy mix and promoting use of renewable energy resources to buffer against global instability.

V. The energy planning advisory board established by 2004, 164:2 received extensive comments supporting establishment of a state renewable portfolio standard during a stakeholder forum on energy policy held June 23, 2006.

VI. Governor Lynch has committed New Hampshire to a goal of meeting 25 percent of the state's energy needs from renewable energy resources by 2025. Enactment of a renewable portfolio standard in New Hampshire will be an important step in meeting this goal.

2 New Chapter; Electric Renewable Portfolio Standard. Amend RSA by inserting after chapter 362-E the following new chapter:

#### CHAPTER 362-F

#### ELECTRIC RENEWABLE PORTFOLIO STANDARD

362-F:1 Purpose. Renewable energy generation technologies can provide fuel diversity to the state and New England generation supply through use of local renewable fuels and resources that serve to displace and thereby lower regional dependence on fossil fuels. This has the potential to lower and stabilize future energy costs by reducing exposure to rising and volatile fossil fuel prices. The use of renewable energy technologies and fuels can also help to keep energy and investment dollars in the state to benefit our own economy. In addition, employing low emission forms of such technologies can reduce the amount of greenhouse gases, nitrogen oxides, and particulate matter emissions transported into New Hampshire and also generated in the state, thereby improving air quality, public health, and mitigating against the risks of climate change. It is therefore in the public interest to stimulate investment in low emission renewable energy generation technologies in New England and, in particular, New Hampshire, whether at new or existing facilities.

362-F:2 Definitions. In this chapter:

I. "Begun operation" means the date that a facility, or a capital addition thereto, for the purpose of repowering to renewable energy is first placed in service for purposes of the implementing regulations of the Internal Revenue Code of 1986, as amended.

II. "Biomass fuels" means plant-derived fuel including clean and untreated wood such as brush, stumps, lumber ends and trimmings, wood pallets, bark, wood chips or pellets, shavings, sawdust and slash, agricultural crops, biogas, or liquid biofuels, but shall exclude any materials derived in whole or in part from construction and demolition debris.

III. "Certificate" means the record that identifies and represents each megawatt-hour generated by a renewable energy generating source under RSA 362-F:6.

IV. "Commission" means public utilities commission.

V. "Customer-sited source" means a source that is interconnected on the end-use customer's site of the retail electricity meter in such a manner that it displaces all or part of the metered consumption of the end-use customer.

VI. "Default service" means electricity supply that is available to retail customers who are otherwise without an electricity supplier as defined in RSA 374-F:2, I-a.

VII. "Department" means the department of environmental services.

VIII. "Eligible biomass technologies" means generating technologies that use biomass fuels as their primary fuel, provided that the generation unit:

(a) Has a quarterly average nitrogen oxide (NOx) emission rate of less than or equal to 0.075 pounds/million British thermal units (lbs/Mmbtu), and an average particulate emission rate of less than or equal to 0.02 lbs/Mmbtu as measured and verified under RSA 362-F:12; and

(b) Uses any fuel other than the primary fuel only for start-up, maintenance, or other required internal needs.

IX. "End-use customer" means any person or entity that purchases electricity supply at retail in New Hampshire from another person or entity but shall not include:

(a) A generating facility taking station service at wholesale from the regional market administered by the independent system operator (ISO-New England) or self-supplying from its other generating stations; and

(b) Prior to January 1, 2010, a customer who purchases retail electricity supply, other than default service under a supply contract executed prior to January 1, 2007.

X. "Historical generation baseline" means:

(a) The average annual electrical production from a facility other than hydroelectric, stated in megawatt-hours, for the 3 years 2004 through 2006, or for the first 36 months after the facility began operation if that date is after December 31, 2001; provided that the historical generation baseline shall be measured regardless of whether or not the emissions from the facility during the baseline period meets emissions requirements of the class.

(b) The average annual production of a hydroelectric facility from the later of January 1, 1986 or the date of first commercial operation through December 31, 2005. If the hydroelectric facility experienced an upgrade or expansion during the historical generation baseline period, actual generation for that entire period shall be adjusted to estimate the average annual production that would have occurred had the upgrade or expansion been in effect during the entire historical generation baseline period.

XI. "Methane gas" means biologically derived methane gas from anaerobic digestion of organic materials from such sources as yard waste, food waste, animal waste, sewage sludge, septage, and landfill waste.

XII. "New England control area" means the term as defined in ISO-New England's transmission, markets and services tariff, FERC electric tariff no. 3, section II.

XIII. "Primary fuel" means a fuel or fuels, either singly or in combination, that comprises at least 90 percent of the total energy input into a generating unit.

XIV. "Provider of electricity" means a distribution company providing default service or an electricity supplier as defined in RSA 374-F:2, II.

XV. "Renewable energy source," "renewable source," or "source" means a class I, II, III, or IV source of electricity or electricity displacement by a class I source under RSA 362-F:4, I(g). An electrical generating facility, while selling its electrical output at long-term rates established before January 1, 2007 by orders of the commission under RSA 362-A:4, shall not be considered a renewable source.

XVI. "Year" means a calendar year beginning January 1 and ending December 31.

362-F:3 Minimum Electric Renewable Portfolio Standards. For each year specified in the table below, each provider of electricity shall obtain and retire certificates sufficient in number and class type to meet or exceed the following percentages of total megawatt-hours of electricity supplied by the provider to its end-use customer that year, except to the extent that the provider makes payments to the renewable energy fund under RSA 362-F:10, II:

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2025</u>
Class I	0.0%	0.5%	1%	2%	3%	4%	5%	6%	16%(*)
Class II	0.0%	0.0%	0.04%	0.08%	0.15%	0.2%	0.3%	0.3%	0.3%
Class III	3.5%	4.5%	5.5%	6.5%	6.5%	6.5%	6.5%	6.5%	6.5%
Class IV	0.5%	1%	1%	1%	1%	1%	1%	1%	1%

\* Class I increases an additional one percent per year from 2015 through 2025. Classes II-IV remain at the same percentages from 2015 through 2025 except as provided in RSA 362-F:4, V-VI.

362-F:4 Electric Renewable Energy Classes.

I. Class I (New) shall include the production of electricity from any of the following, provided the source began operation after January 1, 2006, except as noted below:

(a) Wind energy.

(b) Geothermal energy.

(c) Hydrogen derived from biomass fuels or methane gas.

(d) Ocean thermal, wave, current, or tidal energy.

(e) Methane gas.

(f) Eligible biomass technologies.

(g) The equivalent displacement of electricity, as determined by the commission, by end-use customers, from solar hot water heating systems used instead of electric hot water heating.

(h) Class II sources to the extent that they are not otherwise used to satisfy the minimum portfolio standards of other classes.

(i) The incremental new production of electricity in any year from an eligible biomass or methane source or any hydroelectric generating facility licensed or exempted by Federal Energy Regulatory Commission (FERC), regardless of gross nameplate capacity, over its historical generation baseline, provided the commission certifies demonstrable completion of capital investments attributable to the efficiency improvements, additions of capacity, or increased renewable energy output that are sufficient to, were intended to, and can be demonstrated to increase annual renewable electricity output. The determination of incremental production shall not be based on any operational changes at such facility but rather on capital investments in efficiency improvements or additions of capacity.

(j) The production of electricity from a class III or IV source that has begun operation as a new facility by demonstrating that 80 percent of its resulting tax basis of the source's plant and equipment, but not its property and intangible assets, is derived from capital investment directly related to restoring generation or increasing capacity including department permitting requirements for new plants. Such production shall not qualify for class III or IV certificates.

II. Class II (New Solar) shall include the production of electricity from solar technologies, provided the source began operation after January 1, 2006.

III. Class III (Existing Biomass/Methane) shall include the production of electricity from any of the following, provided the source began operation prior to January 1, 2006:

(a) Eligible biomass technologies having a gross nameplate capacity of 25 MWs or less.

(b) Methane gas.

IV. Class IV (Existing Small Hydroelectric) shall include the production of electricity from hydroelectric energy, provided the source began operation prior to January 1, 2006, has a gross nameplate capacity of 5 MWs or less, has installed upstream and downstream dianadromous fish passages that have been required and approved under the terms of its license or exemption from the Federal Energy Regulatory Commission, and when required, has documented applicable state water quality certification pursuant to section 401 of the Clean Water Act for hydroelectric projects.

V. For good cause, and after notice and hearing, the commission may accelerate or delay by up to one year, any given year's incremental increase in class I or II renewable portfolio standards requirement under RSA 362-F:3.

VI. After notice and hearing, the commission may modify the class III and IV renewable portfolio standards requirements under RSA 362-F:3 for calendar years beginning January 1, 2012 such that the requirements are equal to an amount between 85 percent and 95 percent of the reasonably expected potential annual output of available eligible sources after taking into account demand from similar programs in either states.

362-F:5 Commission Review and Report. Commencing in January 2011, 2018, and 2025 the commission shall conduct a review of the class requirements in RSA 362-F:3 and other aspects of the electric renewable portfolio standard program established by this chapter. Thereafter, the commission shall make a report of its findings to the general court by November 1, 2011, 2018, and 2025, respectively, including any recommendations for changes to the class requirements or other aspects of the electric renewable portfolio standard program. The commission shall review, in light of the purposes of this chapter and with due consideration of the importance of stable long-term policies:

I. The adequacy or potential adequacy of sources to meet the class requirements of RSA 362-F:3;

II. The class requirements of all sources in light of existing and expected market conditions;

III. The potential for addition of a thermal energy component to the electric renewable portfolio standard;

IV. Increasing the class requirements relative to classes I and II beyond 2025;

V. The possible introduction of any new classes such as an energy efficiency class or the consolidation of existing ones;

VI. The timeframe and manner in which new renewable class I and II sources might transition to and be treated as existing renewable sources and if appropriate, how corresponding portfolio standards of new and existing sources might be adjusted;

VII. The experience with and an evaluation of the benefits and risks of using multi-year purchase agreements for certificates, along with purchased power, relative to meeting the purposes and goals of this chapter at the least cost to consumers and in consideration of the restructuring policy principles of RSA 374-F:3; and

VIII. Alternative methods for renewable portfolio standard compliance, such as competitive procurement through a centralized entity on behalf of all consumers in all areas of the state.

**362-F:6 Renewable Energy Certificates.**

I. The electric renewable portfolio standard program established in this chapter shall utilize the regional generation information system (GIS) of energy certificates administered by ISO-New England and the New England Power Pool (NEPOOL) or their successors. If the regional GIS certificate tracking program administered by the ISO-New England is no longer operational or accessible, the commission shall develop an alternative certificate program, after public notice and hearing, designed to provide at least the same information on the type and generation of renewable energy resources as the GIS certificate tracking program.

II. The commission shall establish procedures by which electricity production not tracked by ISO-New England from customer-sited sources, including behind the meter production, may be included within the certificate program, provided such sources are located in New Hampshire. The procedures may include the aggregation of sources and shall be compatible with procedures of the certificate program administrator. The production shall be monitored and verified by an independent entity designated by the commission, which may include electric distribution companies.

III. The commission shall designate in a timely manner New Hampshire eligible renewable sources together with any conditions pursuant to this chapter to the certificate program administrator under paragraph I, with such sources being the recipient of all certificates issued for purpose of this chapter.

IV.(a) Certificates issued for purposes of complying with this chapter shall come from sources within the New England control area unless the source is located in a control area adjacent to the New England control area and the energy produced by the source is actually delivered into the New England control area for consumption by New England customers. The delivery of such energy from the source into the New England control area shall be verified by:

(1) A unit-specific bilateral contract for sale and delivery of a source's electrical energy to the New England control area is in place for the time period during which renewable certificates are generated;

(2) Confirmation from ISO-New England that the sale of the renewable energy was actually settled in the ISO market system; and

(3) Confirmation through the North American Electric Reliability Corporation tagging system that the import of energy into the New England control area actually occurred.

(b) The commission may impose such other requirements as it deems appropriate, including methods of confirming actual delivery of the electrical energy into the New England control area.

**362-F:7 Sale, Exchange, and Use of Certificates.**

I. A certificate may be sold or otherwise exchanged by the source to which it was initially issued or by any other person or entity that acquires the certificate. A certificate may only be used once for compliance with the requirements of this chapter. It may not be used for compliance with this chapter if it has been or will be used for compliance with any similar requirements of another non-federal jurisdiction, or otherwise sold, retired, claimed, or represented as part of any other electrical energy output or sale. Certificates shall only be used by providers of electricity for compliance with the requirements of RSA 362-F:3 in the year in which the generation represented by the certificate was produced, except that unused certificates of the proper class issued for production during the prior 2 years or the first quarter of the subsequent year may be used to meet up to 30 percent of a provider's requirements for a given class obligation in the current year of compliance.

II. Certificates from behind-the-meter distributed generation shall be initially issued to the owner of the customer-sited source or their designee, regardless of whether the source has received assistance from the renewable energy fund established in RSA 362-F:10.

**362-F:8 Information Collection.** By July 1 of each year, each provider of electricity shall submit a report to the commission, in a form approved by the commission, documenting its compliance with the requirements of this chapter for the prior year. The commission may investigate compliance and collect any information necessary to verify and audit the information provided to the commission by providers of electricity.

**362-F:9 Purchased Power Agreements.**

I. Upon the request of one or more electric distribution companies and after notice and hearing, the commission may authorize such company or companies to enter into multi-year purchase agreements with renewable energy sources for certificates, in conjunction with or independent of purchased power agreements from such sources, to meet reasonably projected renewable portfolio requirements and default service needs to the extent of such requirements, if it finds such agreements or such an approach, as may be conditioned by the commission, to be in the public interest.

II. In determining the public interest, the commission shall find that the proposal is substantially consistent with the following factors:

- (a) The efficient and cost-effective realization of the purposes and goals of this chapter;
- (b) The restructuring policy principles of RSA 374-F:3;
- (c) The extent to which such multi-year procurements are likely to create a reasonable mix of resources, in combination with the company's overall energy and capacity portfolio, in light of the energy policy set forth in RSA 378:37 and either the distribution company's integrated least cost resource plan pursuant to RSA 378:37-41, if applicable, or a portfolio management strategy for default service procurement that balances potential benefits and risks to default service customers;
- (d) The extent to which such procurement is conducted in a manner that is administratively efficient and promotes market-driven competitive innovations and solutions; and
- (e) Economic development and environmental benefits for New Hampshire.

III. The commission may authorize one or more distribution companies to coordinate or delegate procurement processes under this section.

IV. Rural electric cooperatives for which a certificate of deregulation is on file with the commission shall not be required to seek commission authorization for multi-year purchased power agreements or certificate purchase agreements under this paragraph.

#### 362-F:10 Renewable Energy Fund.

I. There is hereby established a renewable energy fund. This nonlapsing, special fund shall be continually appropriated to the commission to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. The moneys paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the commission to support thermal and electrical renewable energy initiatives. Class II moneys shall only be used to support solar energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject to audit by the commission as deemed necessary. All fund moneys including those from class II may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court.

II. In lieu of meeting the portfolio requirements of RSA 362-F:3 for a given year if, and to the extent sufficient certificates are not otherwise available at a price below the amounts specified in this paragraph, an electricity provider may, at the time of report submission for that year under RSA 362 F:8, make payment to the commission at the following rates for each megawatt-hour not met for a given class obligation through the acquisition of certificates:

- (a) Class I – \$ 57.12
- (b) Class II – \$150
- (c) Class III – \$ 28
- (d) Class IV – \$ 28

III. Beginning in 2008, the commission shall adjust these rates by January 31 of each year using the Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor.

IV. The commission shall make an annual report by October 1 of each year, beginning in 2009, to the legislative oversight committee on electric utility restructuring under RSA 374-F:5 detailing how the renewable energy fund is being used and any recommended changes to such use.

#### 362-F:11 Application.

I. The commission, in a non-adjudicative process, shall certify the classification of an existing or proposed generation facility by issuing a determination within 45 days of receiving from an applicant sufficient information to determine its classification. The application shall contain the following:

- (a) Name and address of applicant.
- (b) Facility location, ISO-New England asset identification number, and NEPOOL GIS facility code, if available.
- (c) Description of the facility, including fuel type, gross generation capacity, initial commercial operation date, and, in the case of a biomass source, NOx and particulate matter emission rates and a description of pollution control equipment or practices proposed for compliance with applicable NOx and particulate matter emission rates.

(d) Such other information as the applicant may provide to assist in determining the classification of the generating facility.

II. The commission shall certify applications of customer-sited sources in a manner that is compatible with the procedures established for recognizing such production under RSA 362-F:6, II.

III. Biomass facilities otherwise meeting the requirements of a source shall be conditionally certified by the commission subject to compliance with the applicable NOx and particulate matter emission standards. Within 10 days of verification of compliance with emissions standards from the department, as provided in RSA 362-F:12, III, the commission, in a non-adjudicative process, shall designate the facility as eligible pursuant to RSA 362-F:6, III.

362-F:12 Verification of Emissions From Biomass Sources. Any source seeking to qualify using an eligible biomass technology shall verify emissions in accordance with the following methods:

I. For nitrogen oxide emissions, the source shall install and operate a continuous emissions monitor that meets departmental standards as codified in rules.

II. For particulate matter emissions, the source shall conduct an annual stack test in accordance with methods approved by the department. Upon completion of 3 annual tests which demonstrate compliance, the source may request of the department for a decrease in the frequency of testing, but to not less than once every 3 years.

III. Each such source shall file with the department and the commission within 45 days of the end of each calendar quarter an affidavit and documentation attesting to the source's average NOx emission rate for such quarter and the most recent particulate matter stack test results. For purposes of initial certification under RSA 362-F:6, the results of a stack test may be filed with the department at any time to demonstrate compliance with both the particulate matter and nitrogen oxide emissions standards. Within 30 days of a filing, the department shall provide verification of the emissions reported in the filing to the commission.

362-F:13 Rulemaking. The commission shall adopt rules, under RSA 541-A to:

I. Administer the electric renewable portfolio standard program including the development of an alternative to the regional generation information system to the extent necessary.

II. Ascertain, monitor, and enforce compliance with the program to the extent not addressed in the department's rules.

III. Include within the program electric production not tracked by ISO-New England from eligible customer-sited sources.

IV. Administer the renewable energy fund and make expenditures from the fund.

V. Establish procedures for the classification of existing or proposed generation facilities, including a provision for a preliminary designation option, and to verify the completion of capital investments required of certain class I resources.

VI. Define when a repowered generation unit qualifies as a new class I source under RSA 362F:4.

VII. Otherwise discharge the responsibilities delegated to the commission under this chapter.

3 New Subparagraph; Application of Receipts; Renewable Energy Fund. Amend RSA 6:12, I(b) by inserting after subparagraph 252 the following new subparagraph:

(253) Moneys deposited in the renewable energy fund established under RSA 362-F:10.

4 Default Service. Amend RSA 374-F:3, V(c) to read as follows:

(c) Default service should be designed to provide a safety net and to assure universal access and system integrity. Default service should be procured through the competitive market and may be administered by independent third parties. ***Any prudently incurred costs arising from compliance with the renewable portfolio standards of RSA 362-F for default service or purchased power agreements shall be recovered through the default service charge.*** The allocation of the costs of administering default service should be borne by the customers of default service in a manner approved by the commission. If the commission determines it to be in the public interest, the commission may implement measures to discourage misuse, or long-term use, of default service. Revenues, if any, generated from such measures should be used to defray stranded costs.

5 Competitive Electricity Supplier Requirement. Amend RSA 374-F:7, III to read as follows:

III. The commission is authorized to assess fines against, revoke the registration of, and prohibit from doing business in the state, any competitive electricity supplier which violates the requirements of this section ***or RSA 362-F.***

6 Thermal Renewable Study; Statement of Purpose.



I.(a) Thermal renewable energy technologies provide fuel diversity to New Hampshire and New England energy supply through use of local renewable fuels and resources and have the potential to lower and stabilize future energy costs by helping to minimize regional dependence on imported fossil fuels such as natural gas, propane, and oil for heating and cogeneration.

(b) The increased use in New Hampshire and New England of thermal energy generated using low emission, renewable energy technologies will help to reduce the amount of nitrogen oxide, sulfur dioxide, particulate matter, and greenhouse gas emissions transported into New Hampshire and also generated in the state, thereby improving air quality and public health.

(c) In addition to benefits stated above, it is in the public interest to stimulate economic development by investment in low emission thermal renewable energy technologies in New England and in particular, New Hampshire.

II.(a) The office of energy and planning in consultation with the energy planning advisory board established by 2004, 164 shall study, evaluate, and make recommendations including potential legislation on:

(1) A thermal renewable portfolio standard and other incentives or mechanisms that will promote the use of high efficiency low emission thermal renewable energy technology and fuels in residential, commercial, and industrial applications;

(2) Regulatory, technological, or other impediments to the rapid deployment of thermal renewable energy systems; and

(3) Recommendations to the state and local governments on programs and actions that can be implemented to encourage residential, commercial, and industrial use of thermal renewable energy.

(b) The office of energy and planning shall solicit advice and expertise from members of the public representing thermal energy technology and fuels and may solicit the advice and expertise of any individual, state agency or organization, or state employee.

(c) The office of energy and planning shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 30, 2008.

7 Effective Date.

I. Sections 1-4 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

I. Establishes minimum electric renewable portfolio standards.

II. Requires the commission to make reports to the general court.

III. Requires the use of renewable energy certificates.

IV. Requires the office of energy and planning to conduct a study of incentives to promote thermal renewable energy.

Amendment adopted.

Rep. Harvey offered floor amendment (1033h).

### Floor Amendment (1033h)

Amend the introductory paragraph of RSA 362-F:9, II as inserted by section 2 of the bill by replacing it with the following:

II. In determining the public interest, the commission shall find that the proposal is, on balance, substantially consistent with the following factors:

Rep. Harvey spoke in favor.

Floor amendment (1033h) adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Reps. Harvey and James Garrity spoke in favor and yielded to questions.

Reps. Itse and Gene Andersen spoke against.

On a division vote, 253 members having voted in the affirmative and 37 in the negative, the committee report was adopted.

Ordered to third reading.

Rep. Reardon declared a conflict of interest on **HB 873-FN-L** and did not participate.

**UNANIMOUS CONSENT**

Rep. Rowe addressed the House.

The House recessed at 12:35 p.m.

**RECESS****(Speaker Norelli in the Chair)**

The House reconvened at 1:50 p.m.

**CLERK'S NOTE**

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

**REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)**

**HB 296**, prohibiting the use of flatbed trailers with outrigger wheels in parades. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Williams for the Majority of Transportation: This bill simply states “no person may use any type of flatbed trailer with outrigger wheels in a parade.” It removes the use of a dangerous vehicle which, when used, increases the possibility of serious injury or death if a person falls off a trailer in a parade. Vote 13-4.

Rep. Brenda L. Ferland for the Minority of Transportation: This bill came out of a tragic accident during a parade and although the minority sympathizes with what happened we feel this leads to the slippery slope of what will be banned next or if these parade vehicles are greatly modified at such a cost that most people or companies will not volunteer the use of their equipment. Most towns that have the permitting process for parades can and will continue to set limits of what can be done. There was so much publicity of this tragedy we feel modifications in future parade vehicles will take place without laws banning certain vehicles.

Rep. Skinder spoke against.

Rep. McEachern spoke in favor.

On a division vote, 161 members having voted in the affirmative and 91 in the negative, the committee report failed lacking the necessary two-thirds.

Rep. Ferland moved Inexpedient to Legislate.

Rep. Ryan moved Recommit.

On a division vote, 184 members having voted in the affirmative and 70 in the negative, the motion was adopted by the necessary two-thirds.

Recommitted to the Committee on Transportation.

**CLERK'S NOTE**

The constitutionally required two-thirds of the membership for the normal transaction of business was declared present.

**REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)**

**HB 685**, prohibiting New Hampshire from participating in a national identification card system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A. Packard for Transportation: In May of 2005 the US Congress passed a law that never received a hearing, called the Real ID Act. The Act would require all states to have uniform driver licenses. It also requires that a national data base be established by linking all driver license information together. This Act created a national identification card. It is estimated by the National Conference of State Legislatures to cost the states \$11 billion to implement and Congress approved \$40 million at passage. After a year and 10 months when the Dept. of Homeland Security finally released a 160 page draft copy of the rules and regulations, they estimated the cost to the states and federal upgrades at approximately \$24 billion. This act is one of the most egregious pieces of legislation ever passed by the U.S. Congress. Not only does it violate the unfunded mandate law, it is a clear violation of the 10th Amendment of the U.S. Constitution. The law states that if a state does not comply, that the driver license cannot be used to board a plane or enter a federal building. This is federal blackmail of the most heinous manner. Numerous other states are working on

legislation to prevent their states from complying. When we took the oath of office, we swore to uphold the N.H. and the U.S. Constitution and because of this oath we have no choice but to tell the federal government that just because it feels that it can violate the U.S. Constitution, the legislature of N.H. will not. Our liberty and the liberty of this country are at stake if we do not say no to this piece of madness that came out of Washington. We ask the N.H. House to abide by our oath of office and unanimously pass HB 685. Vote 16-0.

### **Amendment (0795h)**

Amend section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. Nothing in this act shall prohibit the department of safety from making ongoing improvements to the driver licensing system, drivers' licenses, or the driver license database for the purpose of making licenses and nondriver's identification cards more secure or reliable or changing their physical appearance and design, or from sharing necessary driver's license and driver history information with other states and Canadian provinces or continuing to provide driver's license and driver history information to other agencies entitled to receive the information in the form in which it was provided prior to the effective date of this act for the purpose of determining eligibility for licensure or verifying the identity of applicants for licenses or nondriver's identification cards. Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Reps. Packard and Kurk spoke in favor.

Rep. Robert Williams requested a roll call; sufficiently seconded.

### **YEAS 268 NAYS 8**

#### **YEAS 268**

##### **BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Pilliod, James	Reever, Judith	Russell, David
Tilton, Franklin	Wendelboe, Fran	Whalley, Michael	

##### **CARROLL**

Bridgham, Robert	Brown, Carolyn	Buco, Thomas	Butler, Edward
Cunningham, Howard	Denley, William	Heard, Virginia	Knox, J. David
Martin, James	Patten, Betsey	Stevens, Stanley	

##### **CHESHIRE**

Allen, Peter	Butterworth, Timothy	Butynski, William	Chase, William
Dunn, J. Timothy	Emerson, Susan	Johnson, Jane	Lerandeau, Alfred
Mitchell, Bonnie	Richardson, Barbara	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

##### **COOS**

Hatch, William	Ingersoll, Paul Sr	Remick, William	Stohl, Eric
Theberge, Robert	Tholl, John Jr	Thomas, Yvonne	

##### **GRAFTON**

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Bulis, Lyle	Cooney, Mary	Dingman, Vernon III	Estes, Carole
Friedrich, Carol	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Pierce, David	Preston, Philip	Solomon, Peter	Williams, Burton

##### **HILLSBOROUGH**

Baroody, Benjamin	Barry, Richard	Batula, Peter	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Brunelle, Michael	Campbell, David
Chase, Claudia	Christensen, Chris	Clark, Mark	Crane, Elenore Casey
Daniels, Gary	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy

Emerton, Larry  
 Foster, Linda  
 Gorman, Mary  
 Hall, Betty  
 Hogan, Edith  
 Jasper, Shawn  
 Kopka, Angeline  
 Leishman, Peter  
 Long, Patrick  
 McRae, Karen  
 O'Connell, Timothy  
 Peterson, Andy  
 Rowe, Robert  
 Shaw, Kimberly  
 Spratt, Stephen  
 Velez, Hector

Essex, David  
 Gargas, Carolyn  
 Graham, John  
 Hammond, Jill  
 Holden, Randolph  
 Judy, Jean  
 Kurk, Neal  
 Lessard, Rudy  
 Manney, Pamela  
 Messier, Irene  
 O'Neil, James  
 Price, Pamela  
 Schulze, Joan  
 Simon, Anthony  
 Stepanek, Stephen  
 Villeneuve, Maurice

Fletcher, Richard  
 Garrity, Patrick  
 Hackel, Paul  
 Harvey, Suzanne  
 Infantine, William  
 Kaelin, Michael  
 L'Heureux, Robert  
 Levasseur, Nickolas  
 Martineau, Jesse  
 Mooney, Maureen  
 Ober, Lynne  
 Rochette, Eric  
 Shattuck, Gilman  
 Smith, David  
 Ulery, Jordan  
 Winters, Joel

Forest, Armand  
 Goley, Jeffrey  
 Haefner, Robert  
 Hawkins, Ken  
 Irwin, Anne-Marie  
 Kelley, John  
 Lawrence, James  
 Levesque, Melanie  
 Matarazzo, Anthony Sr  
 Movsesian, Lori  
 Ober, Russell III  
 Rosenwald, Cindy  
 Shaw, Barbara  
 Soucy, Connie  
 Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
 Brown, Carole  
 DeJoie, John  
 French, Barbara  
 Hess, David  
 MacKay, James  
 Porter, Margaret  
 Tupper, Frank  
 Williams, Robert

Baxley, Maureen  
 Brueggemann, Donald  
 DeStefano, Stephen  
 Gile, Mary  
 Humphries, Charlie  
 McMahon, Patricia  
 Potter, Frances  
 Wallner, Mary  
 Yeaton, Charles

Blanchard, Elizabeth  
 Clarke, Claire  
 Ehlers, Eileen  
 Hager, Elizabeth  
 Kidder, David  
 Osborne, Jessie  
 Ryan, Jim  
 Webb, Leigh

Bouchard, Candace  
 Davis, Frank  
 Foose, Robert  
 Hamm, Christine  
 Lockwood, Priscilla  
 Owen, Derek  
 Tilton, Joy  
 Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
 Bettencourt, David  
 Buxton, Donald  
 Case, Frank  
 Day, Judith  
 Flanders, John Sr  
 Griffin, Mary  
 Howard, Doreen  
 Katsakiores, Phyllis  
 Major, Norman  
 Moody, Marcia  
 Pantelakos, Laura  
 Quandt, Matthew  
 Russell, Trinkia  
 Stiles, Nancy  
 Wickson, Rick

Allen, Mary  
 Bishop, Franklin  
 Cali-Pitts, Jacqueline  
 Casey, Kimberley  
 DiFruscia, Anthony  
 Flockhart, Eileen  
 Grote, Otto  
 Ingram, Russell  
 Kennedy, James  
 Marsh, Michael  
 Nord, Susi  
 Pearson, Mark  
 Rausch, James  
 Sanders, Elisabeth  
 Waterhouse, Kevin  
 Winchell, George

Baldasaro, Alfred  
 Borden, David  
 Camm, Kevin  
 Charron, Gene  
 Elliott, Robert  
 Garrity, James  
 Guthrie, Joseph  
 Itse, Daniel  
 Kepner, Susan  
 McEachern, Paul  
 Nowe, Ronald  
 Powers, James  
 Reagan, John  
 Snow, Richard  
 Weare, Everett

Bedrick, Jason  
 Brown, C. Pennington  
 Carson, Sharon  
 Dalrymple, David  
 Emiro, Frank  
 Gould, Kenneth  
 Headd, James  
 Kappler, Lawrence  
 Lund, Howie  
 McMahon, Charles  
 Packard, Sherman  
 Quandt, Marshall  
 Robertson, Carl  
 Splaine, James  
 Welch, David

### STRAFFORD

Berube, Roger  
 Burke, Rachel  
 Hutz, Sarah  
 Rollo, Deanna  
 Sprague, Dale

Billian, Deborah  
 Cyr, James  
 Kaen, Naida  
 Rollo, Michael  
 Wall, Janet

Brennan, William  
 DeChane, Marlene  
 Knowles, William  
 Schmidt, Peter  
 Watson, Robert

Brown, Larry  
 Fargo, Thomas  
 Perry, Robert  
 Spang, Judith

### SULLIVAN

Cloutier, John  
 Franklin, Peter  
 Nielsen, Ellen

Converse, Larry  
 Gagnon, Raymond  
 Rodeschin, Beverly

Donovan, Thomas  
 Gottling, Suzanne  
 Skinder, Carla

Ferland, Brenda  
 Jillette, Arthur Jr

**NAYS 8**  
**BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Butcher, Suzanne

Hunt, John

**COOS**

None

**GRAFTON**

None

**HILLSBOROUGH**

Ginsburg, Ruth

Pilotte, Maurice

Renzullo, Andrew

**MERRIMACK**

Kjellman, Eleanor Glynn

**ROCKINGHAM**

Devine, James

Kelley, Jane

**STRAFFORD**

None

**SULLIVAN**

None

and the committee report was adopted.

Ordered to third reading.

Rep. Morrison did not vote and notified the Clerk that she wished to be recorded in favor.

**MOTION TO PRINT DEBATE**

Rep. Winters moved that the debate on **HB 685**, prohibiting New Hampshire from participating in a national identification card system, be printed in the Permanent Journal.

Adopted.

**DEBATE ON HB 685-FN-L**

**Rep. Packard:** Thank you, Madam Speaker. Ladies and gentlemen of the General Court, last year, for those of you that were here, this bill came before this body and at the time the Transportation Committee recommended that we kill it and my dear friend from Weare got up and said he was going to fire a shot across the bow. Well, the shot blew my head off. It missed the bow altogether. This year I'm getting up and I'm asking you to support this. When we took our oath back on December 6<sup>th</sup>, we swore to uphold the constitution of this state and the United States. Real ID violates the constitution Article 10 about as much as any bill ever passed out of Congress. Obviously when they passed this bill, they didn't uphold their oath to uphold the United States Constitution. I do not want this Legislature sitting here saying that we will violate our oath. We swore to uphold these documents and it is incumbent upon us to pass this bill, send a message to Congress that we take our oath seriously even if they don't. And if we are the first state to opt out well then so be it. There are 24 other states that are working on this type of legislation right now. I urge all of you to support this piece of legislation and I am going to ask for a roll call vote, Madam Speaker so that we can go on record to our federal delegation saying change this insidious law. It is probably the worst piece of blackmail to ever come out of the federal government and that's what it is, pure unadulterated blackmail. Thank you, Madam Speaker.

**Speaker:** The question before the House is on the committee report of Ought to Pass with amendment. A roll call has been requested. It has been sufficiently seconded and there is only one more speaker so I would ask members to start to make their way to their seats. The Chair recognizes the member from Weare, Rep. Kurk.

**Rep. Kurk:** Thank you, Madam Speaker. It is with the greatest of pleasure that I say to Sherman Packard, "Ditto."

**Speaker:** The Chair appreciates the briefest speech of the year.

### REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

**HB 755-FN**, relative to transfers of motor vehicle registration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jean-Guy J. Bergeron for Transportation: This bill allows a person who transfers the registration of his or her vehicle to receive a refund if the permit fee for the new motor vehicle is less than the permit fee for the previously registered motor vehicle. Vote 10-5.

#### Amendment (0892h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to transfers of motor vehicle permits.

Amend the bill by replacing all after the enacting clause with the following:

1 Refunds. RSA 261:151 is repealed and reenacted to read as follows:

261:151 Refunds.

I. If a person transfers or loses a registered vehicle, upon filing a new application for registration in his or her name, if the permit fee of the newly registered vehicle is less than the one first registered by him or her, he or she shall receive a refund for the difference.

II. If the department acting under the authority of law shall have refused upon original application for the registration period to register the vehicle to which a permit relates, the town clerk, upon application therefor, shall refund the permit fee.

2 Effective Date. This act shall take effect July 1, 2007.

#### AMENDED ANALYSIS

This bill allows a person who transfers the registration of his or her vehicle to receive a refund if the permit fee for the new motor vehicle is less than the permit fee for the previously-registered motor vehicle.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 802**, relative to passenger restraints. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Williams for the Majority of Transportation: This bill would ask New Hampshire to join the 49 other states of the union and mandate the use of seat belts in most instances. The General Court has resisted attempts at such "mandatory" legislation in the past largely grounded on a generalized notion that the reach of the legislature should be temperate and allow people to make such decisions as a matter of individual selection. In point of fact, the NH Highway Safety office testified that voluntary seat belt use continues to be encouraging—though that office conceded—as well it must—that the current 64% attainment level was the lowest in the nation and that usage would increase significantly by enactment of HB 802. The NH Highway Safety Office was the paradoxical exception to the majority of the testimony that featured a cross section of state agencies, physicians, nurses, law enforcement personnel and citizens. The overwhelming majority of evidence received at the hearing clearly and abundantly demonstrated that the public safety would substantially improve by requiring the use of seat belts consistent with our authority to assure the safety of the citizens of the state. Evidence received from the medical community, particularly emergency responders, clearly indicated the value of seat belt use. Evidence received from the law enforcement community, including the NH Chiefs of Police, clearly indicated that enactment of the bill would enhance public safety and avoid the tragic consequences of many automobile accidents. Evidence received from the National Transportation Safety Board revealed that NH is last in seat belt use. That evidence, coupled with an alarming increase in un-belted fatalities shared with the committee by the sponsors based on a study conducted by the University of New Hampshire, revealed that enactment of the law would directly enhance driver safety and protect citizens. The Commissioner of Transportation appeared

and urged the committee to enact the bill and the Department of Safety joined to express its desire that the bill be passed to put an end to the many injuries, trauma and fatalities that resulted when accidents occur without seat belt use. The committee is mindful of the concerns of those who claim enactment of the law would in some measure surrender what they described as one of the unique features of New Hampshire living and impact their particular concept of liberty. We are no longer persuaded by the arguments and decide today to pass the legislation. We believe the safety of all citizens on the highways of the state is implicit in a free society and that the risk of trauma, tragedy, injury or death should be avoided when reasonable regulations are available. The use of seat belts in 2007 is reasonable, and more importantly, a reasonable use of the legislative authority to protect all drivers and passengers from the avoidable carnage of the all too human capacity to have accidents. Accordingly, the committee recommends that the public policy of the state be changed and that we pass HB 802 as a strong signal of our continued commitment to safety. Vote 8-7.

Rep. Brenda L. Ferland for the Minority of Transportation: No insurance company representative that testified said that our insurance rates will go down if we adopt an adult seat belt law. As a matter of fact we are enjoying some of the lowest auto rates in the New England area. A lot of the testimony focused on young drivers and we already have a law to cover them. Driving while intoxicated and inattentiveness are still the leading causes for accidents. No state gets 100% usage even with a primary offense law. There is no dispute about the education of using seatbelts. The state does not lose any federal funding because we don't have the adult seat belt law. As a matter of fact, we were told we would get additional funds if we passed the law. Somehow or another, this smacks of the "No Child Left Behind" program and the Real ID Act. Let us, the federal government, get you, the state, to adopt our rules and we may or may not give you more funds. We are the last state to not adopt an adult seat belt law. So what's wrong with being unique? We are unique in our freedom of rights which is why people move here from other states. The minority feels we should stay unique.

Rep. Peterson offered floor amendment (1187h).

#### **Floor Amendment (1187h)**

Amend RSA 265:107-a as inserted by section 2 of the bill by inserting after paragraph IX the following new paragraph:

X. Enforcement of this section by law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a violation or some other offense.

Reps. Denley and Ryan spoke against.

Rep. Peterson spoke in favor and yielded to questions.

Floor amendment (1187h) failed.

The question now being adoption of the majority committee report of Ought to Pass.

Reps. Bedrick, Winters, Ferland, Boyce and Cali-Pitts spoke against and yielded to questions.

Rep. Skinder spoke in favor and yielded to questions.

Reps. Packard and Denley spoke against.

Reps. Robert Williams, McLeod and Ryan spoke in favor.

Rep. Robert Williams requested a roll call; sufficiently seconded.

#### **YEAS 153 NAYS 140**

##### **YEAS 153 BELKNAP**

Millham, Alida  
Russell, David

Morrison, Gail

Pilliod, James

Reever, Judith

##### **CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Martin, James

Butler, Edward

Cunningham, Howard

##### **CHESHIRE**

Allen, Peter  
Butynski, William  
Lerandeau, Alfred  
Sad, Tara

Burridge, Delmar  
Chase, William  
Mitchell, Bonnie  
Weber, Lucy

Butcher, Suzanne  
Eaton, Daniel  
Richardson, Barbara  
Weed, Charles

Butterworth, Timothy  
Emerson, Susan  
Robertson, Timothy

**COOS**

Hatch, William  
Thomas, Yvonne

Ingersoll, Paul Sr

Remick, William

Tholl, John Jr

**GRAFTON**

Almy, Susan  
Cooney, Mary  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Hammond, Lee  
Nordgren, Sharon

Bleyler, Ruth  
Harding, A Laurie  
Pierce, David

Bulis, Lyle  
McLeod, Martha  
Preston, Philip

**HILLSBOROUGH**

Bergin, Peter  
Gargasz, Carolyn  
Hall, Betty  
Jeudy, Jean  
Leishman, Peter  
Messier, Irene  
Rosenwald, Cindy  
Smith, David

Chase, Claudia  
Garrity, Patrick  
Hammond, Jill  
Kelley, John  
Levesque, Melanie  
O'Connell, Timothy  
Schulze, Joan  
Spratt, Stephen

Drisko, Richard  
Ginsburg, Ruth  
Harvey, Suzanne  
Kopka, Angeline  
Long, Patrick  
O'Neil, James  
Shattuck, Gilman

Foster, Linda  
Hackel, Paul  
Irwin, Anne-Marie  
L'Heureux, Robert  
Matarazzo, Anthony Sr  
Pilotte, Maurice  
Shaw, Kimberly

**MERRIMACK**

Blanchard, Elizabeth  
Clarke, Claire  
Foose, Robert  
Hamm, Christine  
Osborne, Jessie  
Shurtleff, Stephen  
Webb, Leigh

Bouchard, Candace  
Davis, Frank  
French, Barbara  
Kidder, David  
Porter, Margaret  
Tilton, Joy  
Williams, Robert

Brown, Carole  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Potter, Frances  
Wallner, Mary  
Yeaton, Charles

Brueggemann, Donald  
Ehlers, Eileen  
Hager, Elizabeth  
McMahon, Patricia  
Ryan, Jim  
Walz, Mary

**ROCKINGHAM**

Abbott, Dennis  
Carson, Sharon  
Devine, James  
Grote, Otto  
Kennedy, James  
Moody, Marcia  
Robertson, Carl

Borden, David  
Case, Frank  
Flockhart, Eileen  
Howard, Doreen  
Kepner, Susan  
Nord, Susi  
Russell, Trinka

Brown, C. Pennington  
Dalrymple, David  
Gould, Kenneth  
Ingram, Russell  
Marsh, Michael  
Pantelakos, Laura  
Snow, Richard

Buxton, Donald  
Day, Judith  
Griffin, Mary  
Kelley, Jane  
McEachern, Paul  
Powers, James  
Splaine, James

**STRAFFORD**

Berube, Roger  
Fargo, Thomas  
Rollo, Deanna  
Smith, Marjorie

Brown, Larry  
Kaen, Naida  
Rollo, Michael  
Spang, Judith

Burke, Rachel  
Knowles, William  
Rous, Emma  
Wall, Janet

Cyr, James  
Perry, Robert  
Schmidt, Peter  
Warren, Nancy

**SULLIVAN**

Cloutier, John  
Gottling, Suzanne

Donovan, Thomas  
Jillette, Arthur Jr

Franklin, Peter  
Nielsen, Ellen

Gagnon, Raymond  
Skinder, Carla

**NAYS 140****BELKNAP**

Allen, Janet  
Tilton, Franklin

Boyce, Laurie  
Wendelboe, Fran

Clark, Charles  
Whalley, Michael

Flanders, Donald

**CARROLL**

Brown, Carolyn  
Patten, Betsey

Chandler, Gene  
Stevens, Stanley

Denley, William

Knox, J. David

**CHESHIRE**

Dunn, J. Timothy

Hunt, John

Johnson, Jane



**COOS**

Stohl, Eric

Theberge, Robert

**GRAFTON**Andersen, Gene  
Ingbretson, PaulDingman, Vernon III  
Sorg, GregoryFriedrich, Carol  
Williams, Burton

Gionet, Edmond

**HILLSBOROUGH**Baroody, Benjamin  
Bergeron, Jean-Guy  
Clark, Mark  
Dokmo, Cynthia  
Essex, David  
Goley, Jeffrey  
Hawkins, Ken  
Infantine, William  
Lawrence, James  
Martineau, Jesse  
Ober, Lynne  
Renzullo, Andrew  
Simon, Anthony  
Vaillancourt, SteveBarry, Richard  
Brunelle, Michael  
Cote, David  
Edwards, Andrew  
Fletcher, Richard  
Gorman, Mary  
Hinkle, Peyton  
Jasper, Shawn  
Lessard, Rudy  
McRae, Karen  
Ober, Russell III  
Rochette, Eric  
Soucy, Connie  
Velez, HectorBatula, Peter  
Campbell, David  
Crane, Elenore Casey  
Elliott, Nancy  
Forest, Armand  
Graham, John  
Hogan, Edith  
Kaelin, Michael  
Levasseur, Nickolas  
Mooney, Maureen  
Peterson, Andy  
Rowe, Robert  
Stepanek, Stephen  
Villeneuve, MauriceBeaulieu, Jane  
Christensen, Chris  
Daniels, Gary  
Emerton, Larry  
Francoeur, Bea  
Haefner, Robert  
Holden, Randolph  
Kurk, Neal  
Manney, Pamela  
Movsesian, Lori  
Price, Pamela  
Shaw, Barbara  
Ulery, Jordan  
Winters, Joel**MERRIMACK**Anderson, Eric  
Humphries, Charlie  
Tupper, FrankBaxley, Maureen  
Lockwood, PriscillaDeJoie, John  
MacKay, JamesHess, David  
Owen, Derek**ROCKINGHAM**Allen, Mary  
Bettencourt, David  
Casey, Kimberley  
Emiro, Frank  
Headd, James  
Katsakiores, George  
McKinney, Betsy  
Pearson, Mark  
Reagan, John  
Weare, Everett  
Winchell, GeorgeBaldasaro, Alfred  
Bishop, Franklin  
Charron, Gene  
Flanders, John Sr  
Hutchinson, Karen  
Katsakiores, Phyllis  
McMahon, Charles  
Quandt, Marshall  
Sanders, Elisabeth  
Welch, DavidBedrick, Jason  
Cali-Pitts, Jacqueline  
DiFruscia, Anthony  
Garrity, James  
Itse, Daniel  
Lund, Howie  
Nowe, Ronald  
Quandt, Matthew  
Stiles, Nancy  
Weyler, KennethBelanger, Ronald  
Camm, Kevin  
Elliott, Robert  
Guthrie, Joseph  
Kappler, Lawrence  
Major, Norman  
Packard, Sherman  
Rausch, James  
Waterhouse, Kevin  
Wickson, Rick**STRAFFORD**Billian, Deborah  
Sprague, DaleBrennan, William  
Watson, Robert

Hilliard, Dana

Hutz, Sarah

**SULLIVAN**Converse, Larry  
and the majority committee report was adopted.  
Ordered to third reading.

Ferland, Brenda

Rodeschin, Beverly

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Daniel Eaton moved that the House reconsider its action whereby it adopted the majority committee report of Ought to Pass on **HB 802**, relative to passenger restraints.

Rep. Daniel Eaton spoke against.

On a division vote, 131 members having voted in the affirmative and 162 in the negative, the motion failed.

**REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)**

**HB 494-FN-A**, relative to keno in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Mulholland for Ways and Means: This bill was an attempt to expand our lottery revenues for the Education Trust Fund. However, testimony indicated the placing of 500 keno machines in the state would generate no more than \$2-6 million after expenses, based upon results in average performing states, Maryland and Missouri. The sponsor agreed this was not worth the effort. Vote 13-6.

Committee report adopted.

**HB 619-FN-A**, establishing an additional exemption from the interest and dividends tax for individuals who are 70 years of age or older. **INEXPEDIENT TO LEGISLATE.**

Rep. Gilman C. Shattuck for Ways and Means: While the committee is very sympathetic to the plight of many older citizens, the committee believes that this legislation is an inappropriate approach to this issue. This legislation would give this additional exemption to all individuals who are 70 years or older, regardless of need. There is no needs test such as found in other existing legislation. The committee feels that is unfair. At the same time, existing legislation provides much more substantial relief to qualified elderly for property taxes. Selectmen may further abate property taxes if appropriate. Vote 17-2.

Rep. Lynne Ober requested a roll call; sufficiently seconded.

**YEAS 218 NAYS 75****YEAS 218****BELKNAP**

Allen, Janet  
Millham, Alida  
Tilton, Franklin

Boyce, Laurie  
Morrison, Gail  
Whalley, Michael

Clark, Charles  
Reever, Judith

Flanders, Donald  
Russell, David

**CARROLL**

Bridgham, Robert  
Chandler, Gene  
Martin, James

Brown, Carolyn  
Cunningham, Howard  
Patten, Betsey

Buco, Thomas  
Heard, Virginia

Butler, Edward  
Knox, J. David

**CHESHIRE**

Allen, Peter  
Butynski, William  
Hunt, John  
Roberts, Kris  
Weed, Charles

Burridge, Delmar  
Chase, William  
Lerandean, Alfred  
Robertson, Timothy

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Sad, Tara

Butterworth, Timothy  
Eaton, Daniel  
Richardson, Barbara  
Weber, Lucy

**COOS**

Hatch, William  
Tholl, John Jr

Ingersoll, Paul Sr  
Thomas, Yvonne

Stohl, Eric

Theberge, Robert

**GRAFTON**

Almy, Susan  
Cooney, Mary  
McLeod, Martha  
Preston, Philip

Andersen, Gene  
Friedrich, Carol  
Mulholland, Catherine  
Sorg, Gregory

Benn, Bernard  
Hammond, Lee  
Nordgren, Sharon

Bleyler, Ruth  
Harding, A Laurie  
Pierce, David

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Drisko, Richard  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty

Barry, Richard  
Chase, Claudia  
Edwards, Andrew  
Francoeur, Bea  
Gorman, Mary  
Hammond, Jill

Beaulieu, Jane  
Clark, Mark  
Emerton, Larry  
Gargas, Carolyn  
Graham, John  
Harvey, Suzanne

Brunelle, Michael  
Cote, David  
Essex, David  
Garrity, Patrick  
Hackel, Paul  
Hawkins, Ken

Hinkle, Peyton  
 Jeudy, Jean  
 Kurk, Neal  
 Levasseur, Nicolas  
 Matarazzo, Anthony Sr  
 O'Connell, Timothy  
 Price, Pamela  
 Shattuck, Gilman  
 Smith, David  
 Winters, Joel

Holden, Randolph  
 Kaelin, Michael  
 L'Heureux, Robert  
 Levesque, Melanie  
 McRae, Karen  
 O'Neil, James  
 Rochette, Eric  
 Shaw, Barbara  
 Spratt, Stephen

Irwin, Anne-Marie  
 Kelley, John  
 Lasky, Bette  
 Long, Patrick  
 Messier, Irene  
 Peterson, Andy  
 Rosenwald, Cindy  
 Shaw, Kimberly  
 Vaillancourt, Steve

Jasper, Shawn  
 Kopka, Angeline  
 Leishman, Peter  
 Martineau, Jesse  
 Movsesian, Lori  
 Pilotte, Maurice  
 Schulze, Joan  
 Simon, Anthony  
 Velez, Hector

### MERRIMACK

Anderson, Eric  
 Brown, Carole  
 DeStefano, Stephen  
 Gile, Mary  
 Kidder, David  
 McMahon, Patricia  
 Ryan, Jim  
 Wallner, Mary

Baxley, Maureen  
 Brueggemann, Donald  
 Ehlers, Eileen  
 Hager, Elizabeth  
 Kjellman, Eleanor Glynn  
 Osborne, Jessie  
 Shurtleff, Stephen  
 Walz, Mary

Blanchard, Elizabeth  
 Davis, Frank  
 Foose, Robert  
 Hamm, Christine  
 Lockwood, Priscilla  
 Porter, Margaret  
 Tilton, Joy  
 Webb, Leigh

Bouchard, Candace  
 DeJoie, John  
 French, Barbara  
 Hess, David  
 MacKay, James  
 Potter, Frances  
 Tupper, Frank  
 Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
 Borden, David  
 Casey, Kimberley  
 Flockhart, Eileen  
 Guthrie, Joseph  
 Kelley, Jane  
 McEachern, Paul  
 Russell, Trinka  
 Waterhouse, Kevin

Allen, Mary  
 Brown, C. Pennington  
 Charron, Gene  
 Gould, Kenneth  
 Howard, Doreen  
 Kennedy, James  
 Nord, Susi  
 Snow, Richard  
 Weyler, Kenneth

Belanger, Ronald  
 Camm, Kevin  
 Elliott, Robert  
 Griffin, Mary  
 Katsakiores, George  
 Major, Norman  
 Pantelakos, Laura  
 Splaine, James  
 Wickson, Rick

Bishop, Franklin  
 Case, Frank  
 Flanders, John Sr  
 Grote, Otto  
 Katsakiores, Phyllis  
 Marsh, Michael  
 Powers, James  
 Stiles, Nancy

### STRAFFORD

Berube, Roger  
 Burke, Rachel  
 Hilliard, Dana  
 Perry, Robert  
 Spang, Judith  
 Watson, Robert

Billian, Deborah  
 Cyr, James  
 Hutz, Sarah  
 Rollo, Deanna  
 Sprague, Dale

Brennan, William  
 DeChane, Marlene  
 Kaen, Naida  
 Rous, Emma  
 Wall, Janet

Brown, Larry  
 Fargo, Thomas  
 Knowles, William  
 Schmidt, Peter  
 Warren, Nancy

### SULLIVAN

Cloutier, John  
 Franklin, Peter  
 Nielsen, Ellen

Converse, Larry  
 Gagnon, Raymond  
 Phinizey, James

Donovan, Thomas  
 Gottling, Suzanne  
 Rodeschin, Beverly

Ferland, Brenda  
 Jillette, Arthur Jr  
 Skinder, Carla

### NAYS 75

### BELKNAP

Pilliod, James

Wendelboe, Fran

### CARROLL

Denley, William

Stevens, Stanley

### CHESHIRE

Emerson, Susan

Johnson, Jane

### COOS

Remick, William

**GRAFTON**

Bulis, Lyle	Dingman, Vernon III	Gionet, Edmond	Ingbretson, Paul
Solomon, Peter	Williams, Burton		

**HILLSBOROUGH**

Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Christensen, Chris
Crane, Elenore Casey	Daniels, Gary	Dokmo, Cynthia	Elliott, Nancy
Fletcher, Richard	Ginsburg, Ruth	Haefner, Robert	Hogan, Edith
Infantine, William	Lawrence, James	Lessard, Rudy	Manney, Pamela
Mooney, Maureen	Ober, Lynne	Ober, Russell III	Renzullo, Andrew
Rowe, Robert	Soucy, Connie	Stepanek, Stephen	Ulery, Jordan
Villeneuve, Maurice			

**MERRIMACK**

Clarke, Claire	Humphries, Charlie	Owen, Derek	Yeaton, Charles
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**ROCKINGHAM**

Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David	Buxton, Donald
Carson, Sharon	Dalrymple, David	Devine, James	DiFruscia, Anthony
Emiro, Frank	Garrity, James	Headd, James	Hutchinson, Karen
Ingram, Russell	Itse, Daniel	Kappler, Lawrence	Kepner, Susan
Lund, Howie	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Nowe, Ronald	Packard, Sherman	Pearson, Mark	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reagan, John	Robertson, Carl
Sanders, Elisabeth	Weare, Everett	Welch, David	Winchell, George

**STRAFFORD**

Rollo, Michael

**SULLIVAN**

None

and the committee report was adopted.

**BILLS REMOVED FROM CONSENT CALENDAR – SPECIAL ORDERS**

**HB 606-FN**, relative to the minimum age for purchasing, possessing, or using tobacco products. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A. Butler for Commerce: The intention of this bill is that it will protect the health of older teenagers until age 21, when they will be more mature and better able to decide whether to smoke cigarettes. It was also suggested that it would then be easier to identify under-age smokers. The committee agreed that it would be unreasonable to raise the age limit and difficult to enforce. Furthermore, there would be a significant negative impact on the general fund (general fund revenue by \$3,145,000 in FY 2008 and \$6,290,000 in FY 2009 and each year thereafter, and decrease education trust fund revenue by \$3,655,000 in FY 2008 and \$7,310,000 in FY 2009 and each year thereafter). Vote 15-1.

Rep. Timothy Robertson spoke against and yielded to questions.

Rep. Jasper spoke against.

Rep. Butler spoke in favor.

Committee report adopted.

**HB 745**, relative to the use of secret databases. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew S. Houde for Commerce: This bill would prohibit, with certain exceptions, the use of government databases containing personal information if the individual about whom personal information is maintained is not provided an opportunity to challenge the accuracy of the information. The committee is concerned that many of the potential enumerated uses of information from the databases are already covered by the federal Fair Credit Reporting Act and that enforcement of the bill is not feasible. Vote 16-0.

Rep. Kurk spoke against.

Rep. Jill Hammond spoke in favor.

On a division vote, 120 members having voted in the affirmative and 129 in the negative, the committee report failed.

Rep. Kurk moved Recommit.

Rep. Hunt spoke against.

### **LAID ON THE TABLE**

Rep. Daniel Eaton moved that **HB 745**, relative to the use of secret databases, be laid on the table.

On a division vote, 151 members having voted in the affirmative and 134 in the negative, the motion was adopted.

### **BILLS REMOVED FROM CONSENT CALENDAR – SPECIAL ORDERS (CONT'D)**

**HB 762-FN**, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed places. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A. Butler for Commerce: This bill was voted inexpedient to legislate after it was confirmed that SB 42, also a smoking ban bill, will come to the committee. This issue will receive a full hearing and review with SB 42. Vote 15-1.

Rep. Holden spoke against.

Rep. Butler spoke in favor.

Rep. Winters requested a roll call; sufficiently seconded.

### **YEAS 246 NAYS 42**

#### **YEAS 246**

#### **BELKNAP**

Allen, Janet  
Millham, Alida  
Russell, David  
Whalley, Michael

Boyce, Laurie  
Morrison, Gail  
Tilton, Franklin

Clark, Charles  
Pilliod, James  
Tobin, William

Flanders, Donald  
Reever, Judith  
Wendelboe, Fran

#### **CARROLL**

Bridgham, Robert  
Cunningham, Howard  
Martin, James

Buco, Thomas  
Denley, William

Butler, Edward  
Heard, Virginia

Chandler, Gene  
Knox, J. David

#### **CHESHIRE**

Allen, Peter  
Dunn, J. Timothy  
Johnson, Jane  
Sad, Tara

Butcher, Suzanne  
Eaton, Daniel  
Lerandeau, Alfred  
Weber, Lucy

Butterworth, Timothy  
Emerson, Susan  
Mitchell, Bonnie  
Weed, Charles

Butynski, William  
Hunt, John  
Richardson, Barbara

#### **COOS**

Hatch, William  
Thomas, Yvonne

Ingersoll, Paul Sr

Theberge, Robert

Tholl, John Jr

#### **GRAFTON**

Almy, Susan  
Friedrich, Carol  
McLeod, Martha  
Preston, Philip

Benn, Bernard  
Gionet, Edmond  
Mulholland, Catherine  
Solomon, Peter

Bleyler, Ruth  
Hammond, Lee  
Nordgren, Sharon  
Sorg, Gregory

Dingman, Vernon III  
Ingretson, Paul  
Pierce, David  
Williams, Burton

#### **HILLSBOROUGH**

Barry, Richard  
Bergin, Peter  
Clark, Mark  
Edwards, Andrew  
Fletcher, Richard

Batula, Peter  
Campbell, David  
Cote, David  
Elliott, Nancy  
Forest, Armand

Beaulieu, Jane  
Chase, Claudia  
Daniels, Gary  
Emerton, Larry  
Foster, Linda

Bergeron, Jean-Guy  
Christensen, Chris  
Drisko, Richard  
Essex, David  
Francoeur, Bea

Gargas, Carolyn  
Gorman, Mary  
Hall, Betty  
Hinkle, Peyton  
Kaelin, Michael  
L'Heureux, Robert  
Lessard, Rudy  
Martineau, Jesse  
O'Connell, Timothy  
Peterson, Andy  
Rosenwald, Cindy  
Simon, Anthony  
Stepanek, Stephen

Garrity, Patrick  
Graham, John  
Hammond, Jill  
Hogan, Edith  
Kelley, John  
Lasky, Bette  
Levesque, Melanie  
McRae, Karen  
O'Neil, James  
Pilotte, Maurice  
Rowe, Robert  
Smith, David  
Ulery, Jordan

Ginsburg, Ruth  
Hackel, Paul  
Harvey, Suzanne  
Irwin, Anne-Marie  
Kopka, Angeline  
Lawrence, James  
Long, Patrick  
Mooney, Maureen  
Ober, Lynne  
Renzullo, Andrew  
Shattuck, Gilman  
Soucy, Connie  
Villeneuve, Maurice

Goley, Jeffrey  
Haefner, Robert  
Hawkins, Ken  
Jasper, Shawn  
Kurk, Neal  
Leishman, Peter  
Manney, Pamela  
Movsesian, Lori  
Ober, Russell III  
Rochette, Eric  
Shaw, Barbara  
Spratt, Stephen  
Winters, Joel

### MERRIMACK

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Hager, Elizabeth  
Kidder, David  
McMahon, Patricia  
Shurtleff, Stephen  
Walz, Mary

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hamm, Christine  
Kjellman, Eleanor Glynn  
Owen, Derek  
Tilton, Joy  
Webb, Leigh

Brown, Carole  
DeJoie, John  
French, Barbara  
Hess, David  
Lockwood, Priscilla  
Porter, Margaret  
Tupper, Frank  
Williams, Robert

Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Humphries, Charlie  
MacKay, James  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Bettencourt, David  
Casey, Kimberley  
Devine, James  
Garcia, Marilinda  
Howard, Doreen  
Kappler, Lawrence  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Quandt, Marshall  
Sanders, Elisabeth  
Weare, Everett

Allen, Mary  
Bishop, Franklin  
Charron, Gene  
Elliott, Robert  
Garrity, James  
Hutchinson, Karen  
Katsakiores, George  
Lund, Howie  
McKinney, Betsy  
Nowe, Ronald  
Rausch, James  
Snow, Richard  
Welch, David

Baldasaro, Alfred  
Camm, Kevin  
Dalrymple, David  
Emiro, Frank  
Grote, Otto  
Ingram, Russell  
Katsakiores, Phyllis  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Robertson, Carl  
Splaine, James  
Weyler, Kenneth

Bedrick, Jason  
Case, Frank  
Day, Judith  
Flockhart, Eileen  
Headd, James  
Itse, Daniel  
Kennedy, James  
Marsh, Michael  
Moody, Marcia  
Pantelakos, Laura  
Russell, Trinka  
Waterhouse, Kevin  
Winchell, George

### STRAFFORD

Berube, Roger  
Burke, Rachel  
Hutz, Sarah  
Rollo, Deanna  
Sprague, Dale

Billian, Deborah  
DeChane, Marlene  
Kaen, Naida  
Rollo, Michael  
Wall, Janet

Brennan, William  
Fargo, Thomas  
Knowles, William  
Rous, Emma  
Warren, Nancy

Brown, Larry  
Hilliard, Dana  
Perry, Robert  
Schmidt, Peter  
Watson, Robert

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Nielsen, Ellen

Converse, Larry  
Gagnon, Raymond  
Phinizia, James

Donovan, Thomas  
Gottling, Suzanne  
Rodeschin, Beverly

Ferland, Brenda  
Jillette, Arthur Jr  
Skinder, Carla

### NAYS 42

### BELKNAP

None

### CARROLL

Brown, Carolyn

Patten, Betsey

Stevens, Stanley

**CHESHIRE**

Burridge, Delmar

Chase, William

Roberts, Kris

Robertson, Timothy

**COOS**

Remick, William

Stohl, Eric

**GRAFTON**

Andersen, Gene

Cooney, Mary

**HILLSBOROUGH**

Baroody, Benjamin

Brunelle, Michael

Crane, Elenore Casey

Dokmo, Cynthia

Holden, Randolph

Infantine, William

Jeady, Jean

Levasseur, Nickolas

Matarazzo, Anthony Sr

Messier, Irene

Price, Pamela

Schulze, Joan

Shaw, Kimberly

Vaillancourt, Steve

Velez, Hector

**MERRIMACK**

Anderson, Eric

Baxley, Maureen

Osborne, Jessie

Potter, Frances

**ROCKINGHAM**

Borden, David

Buxton, Donald

DiFruscia, Anthony

Gould, Kenneth

Griffin, Mary

Kelley, Jane

Pearson, Mark

Powers, James

Stiles, Nancy

Wickson, Rick

**STRAFFORD**

Cyr, James

Spang, Judith

**SULLIVAN**

None

and the committee report was adopted.

***HB 92*, decriminalizing marijuana. INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill would have allowed any person to have in their possession, cultivate, or sell any quantity of marijuana. There would be no difference between a person who had in his possession ¼ oz. of marijuana for personal use, or a person who had a tractor trailer load (20 tons). One of the arguments made was that if it were legal the state could tax it and have revenue income from the sale. This argument falls short for several reasons. It would still be illegal under federal law and arrests could and would be made by federal agents. The idea that people would pay taxes for something that they could grow in their gardens under the bill is less than realistic. Another argument is that the jails are full of inmates whose sole offense was possession of small amounts of marijuana. This argument also falls short as the conviction for possession of small amounts of marijuana results in a fine ranging from \$100 to \$250 and no jail sentence. The committee felt that *HB 92* was ill conceived and would only result in numerous problems without solving any. Vote 13-3.

Reps. Weed and Vaillancourt spoke against.

Rep. Mark Clark moved Recommit.

**LAI D ON THE TABLE**

Rep. Campbell moved that *HB 92*, decriminalizing marijuana, be laid on the table.

On a division vote, 186 members having voted in the affirmative and 99 in the negative, the motion was adopted.

**BILLS REMOVED FROM CONSENT CALENDAR – SPECIAL ORDERS  
(CONT'D)**

***HB 340***, restricting sex offenders from residing within a certain distance from schools and child-oriented organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill, although well intended, may result in registered sex offenders failing to register because they are unable to find a place to live due to the restrictions. This has happened in other states where, when the restrictions were enacted,

40% of the offenders locations became unknown because they failed to register. When Springfield, MA attempted to pass such legislation, it was discovered that the entire City of Springfield, with the exception of two small blocks, was excluded and these two blocks were in an industrial area. The committee felt that it is important to know who and where the registrants reside. Vote 15-1.

Rep. Infantine spoke against.

Rep. Tholl spoke in favor.

Rep. Infantine requested a roll call; sufficiently seconded.

## **YEAS 195 NAYS 86**

### **YEAS 195**

#### **BELKNAP**

Allen, Janet  
Pilliod, James

Clark, Charles  
Reever, Judith

Millham, Alida  
Russell, David

Morrison, Gail

#### **CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Chandler, Gene  
Martin, James

Cunningham, Howard  
Stevens, Stanley

#### **CHESHIRE**

Allen, Peter  
Butynski, William  
Hunt, John  
Roberts, Kris  
Weed, Charles

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Robertson, Timothy

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Sad, Tara

Butterworth, Timothy  
Eaton, Daniel  
Richardson, Barbara  
Weber, Lucy

#### **COOS**

Hatch, William  
Tholl, John Jr

Ingersoll, Paul Sr  
Thomas, Yvonne

Stohl, Eric

Theberge, Robert

#### **GRAFTON**

Almy, Susan  
Cooney, Mary  
Hammond, Lee  
Nordgren, Sharon  
Williams, Burton

Andersen, Gene  
Estes, Carole  
Ingbreton, Paul  
Pierce, David

Benn, Bernard  
Friedrich, Carol  
McLeod, Martha  
Preston, Philip

Bleyler, Ruth  
Gionet, Edmond  
Mulholland, Catherine  
Sorg, Gregory

#### **HILLSBOROUGH**

Baroody, Benjamin  
Chase, Claudia  
Edwards, Andrew  
Foster, Linda  
Ginsburg, Ruth  
Hackel, Paul  
Jasper, Shawn  
Kopka, Angeline  
Lessard, Rudy  
Peterson, Andy  
Shaw, Barbara  
Vaillancourt, Steve

Beaulieu, Jane  
Christensen, Chris  
Essex, David  
Francoeur, Bea  
Goley, Jeffrey  
Hammond, Jill  
Judy, Jean  
L'Heureux, Robert  
Matarazzo, Anthony Sr  
Pilotte, Maurice  
Smith, David  
Villeneuve, Maurice

Bergin, Peter  
Cote, David  
Fletcher, Richard  
Gargas, Carolyn  
Gorman, Mary  
Harvey, Suzanne  
Kaelin, Michael  
Lasky, Bette  
McRae, Karen  
Schulze, Joan  
Soucy, Connie  
Winters, Joel

Campbell, David  
Dokmo, Cynthia  
Forest, Armand  
Garrity, Patrick  
Graham, John  
Irwin, Anne-Marie  
Kelley, John  
Leishman, Peter  
O'Connell, Timothy  
Shattuck, Gilman  
Spratt, Stephen

#### **MERRIMACK**

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Hamm, Christine  
McMahon, Patricia  
Potter, Frances  
Wallner, Mary

Bouchard, Candace  
Davis, Frank  
Foote, Robert  
Kidder, David  
Osborne, Jessie  
Shurtleff, Stephen  
Walz, Mary

Brown, Carole  
DeJoie, John  
French, Barbara  
Kjellman, Eleanor Glynn  
Owen, Derek  
Tilton, Joy  
Williams, Robert

Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Lockwood, Priscilla  
Porter, Margaret  
Tupper, Frank  
Yeaton, Charles



**ROCKINGHAM**

Abbott, Dennis  
Case, Frank  
DiFruscia, Anthony  
Garrity, James  
Howard, Doreen  
Kennedy, James  
Moody, Marcia  
Powers, James  
Snow, Richard  
Winchell, George

Allen, Mary  
Casey, Kimberley  
Emiro, Frank  
Gould, Kenneth  
Ingram, Russell  
Major, Norman  
Nord, Susi  
Quandt, Marshall  
Waterhouse, Kevin

Borden, David  
Charron, Gene  
Flanders, John Sr  
Grote, Otto  
Katsakiores, George  
Marsh, Michael  
Packard, Sherman  
Russell, Trinka  
Weare, Everett

Buxton, Donald  
Dalrymple, David  
Flockhart, Eileen  
Headd, James  
Kelley, Jane  
McEachern, Paul  
Pantelakos, Laura  
Sanders, Elisabeth  
Welch, David

**STRAFFORD**

Berube, Roger  
Burke, Rachel  
Hutz, Sarah  
Rollo, Deanna  
Spang, Judith

Billian, Deborah  
Cyr, James  
Kaen, Naida  
Rollo, Michael  
Wall, Janet

Brennan, William  
DeChane, Marlene  
Knowles, William  
Rous, Emma  
Watson, Robert

Brown, Larry  
Fargo, Thomas  
Perry, Robert  
Schmidt, Peter

**SULLIVAN**

Cloutier, John  
Franklin, Peter  
Skinder, Carla

Converse, Larry  
Gottling, Suzanne

Donovan, Thomas  
Nielsen, Ellen

Ferland, Brenda  
Phinizy, James

**NAYS 86****BELKNAP**

Boyce, Laurie  
Wendelboe, Fran

Flanders, Donald  
Whalley, Michael

Tilton, Franklin

Tobin, William

**CARROLL**

Brown, Carolyn

Denley, William

**CHESHIRE**

Emerson, Susan

Johnson, Jane

**COOS**

Remick, William

**GRAFTON**

Bulis, Lyle

Dingman, Vernon III

Solomon, Peter

**HILLSBOROUGH**

Barry, Richard  
Clark, Mark  
Elliott, Nancy  
Hawkins, Ken  
Infantine, William  
Levesque, Melanie  
Messier, Irene  
Ober, Russell III  
Shaw, Kimberly  
Velez, Hector

Batula, Peter  
Crane, Elenore Casey  
Emerton, Larry  
Hinkle, Peyton  
Kurk, Neal  
Long, Patrick  
Mooney, Maureen  
Price, Pamela  
Simon, Anthony

Bergeron, Jean-Guy  
Daniels, Gary  
Haefner, Robert  
Hogan, Edith  
Lawrence, James  
Manney, Pamela  
O'Neil, James  
Renzullo, Andrew  
Stepanek, Stephen

Brunelle, Michael  
Drisko, Richard  
Hall, Betty  
Holden, Randolph  
Levasseur, Nickolas  
Martineau, Jesse  
Ober, Lynne  
Rowe, Robert  
Ulery, Jordan

**MERRIMACK**

Anderson, Eric  
MacKay, James

Baxley, Maureen  
Ryan, Jim

Hess, David  
Webb, Leigh

Humphries, Charlie

**ROCKINGHAM**

Baldasaro, Alfred  
Camm, Kevin

Bedrick, Jason  
Carson, Sharon

Bettencourt, David  
Day, Judith

Bishop, Franklin  
Devine, James

Elliott, Robert  
Kappler, Lawrence  
McMahon, Charles  
Robertson, Carl

Garcia, Marilinda  
Katsakiores, Phyllis  
Nowe, Ronald  
Stiles, Nancy

Griffin, Mary  
Lund, Howie  
Pearson, Mark  
Weyler, Kenneth

Itse, Daniel  
McKinney, Betsy  
Rausch, James  
Wickson, Rick

### STRAFFORD

Sprague, Dale

### SULLIVAN

Gagnon, Raymond      Jillette, Arthur Jr      Rodeschin, Beverly  
and the committee report was adopted.

**HB 591-FN**, relative to an affirmative defense to certain felonious sexual assault offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: The committee felt that this bill focuses attention on the behavior of the victim rather than the accountability of the offender and that it might well undermine the Rape Shield Law. A Fiscal Note for this bill was not yet available. Vote 14-4. Rep. Nielsen yielded to questions.

Rep. James Garrity moved the previous question.

On a division vote, 246 members having voted in the affirmative and 35 in the negative, the motion to limit debate was adopted.

Committee report adopted.

**HB 655-FN**, relative to unborn victims of violence. **INEXPEDIENT TO LEGISLATE.**

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: The New Hampshire Legislature has consistently rejected legislation aimed at creating separate legal status for a fetus. HB 655 is another attempt to define "unborn child" in statute. New Hampshire law already imposes an additional penalty for assailants who commit a violent act toward a pregnant woman resulting in miscarriage or stillbirth. In 1991, New Hampshire passed laws that punish an assailant who "purposely, or knowingly causes injury to another resulting in miscarriage or stillbirth" (RSA 631:1c), or who "recklessly or negligently causes injury to another resulting in miscarriage or stillbirth" (RSA 631:2e). An assault on the mother is an assault on the fetus. This bill is simply unnecessary. Vote 10-6.

Rep. Itse spoke against and yielded to questions.

Rep. Rowe spoke against.

Rep. William Knowles spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

### YEAS 207 NAYS 76

#### YEAS 207

#### BELKNAP

Allen, Janet  
Pilliod, James

Flanders, Donald  
Reever, Judith

Millham, Alida  
Russell, David

Morrison, Gail  
Tobin, William

#### CARROLL

Bridgham, Robert  
Knox, J. David

Buco, Thomas  
Martin, James

Cunningham, Howard

Heard, Virginia

#### CHESHIRE

Allen, Peter  
Chase, William  
Johnson, Jane  
Roberts, Kris  
Weed, Charles

Burrige, Delmar  
Dunn, J. Timothy  
Lerandeau, Alfred  
Robertson, Timothy

Butcher, Suzanne  
Eaton, Daniel  
Mitchell, Bonnie  
Sad, Tara

Butterworth, Timothy  
Hunt, John  
Richardson, Barbara  
Weber, Lucy

#### COOS

Hatch, William  
Theberge, Robert

Ingersoll, Paul Sr  
Tholl, John Jr

Remick, William  
Thomas, Yvonne

Stohl, Eric

**GRAFTON**

Almy, Susan  
Bulis, Lyle  
Gionet, Edmond  
Nordgren, Sharon  
Williams, Burton

Andersen, Gene  
Cooney, Mary  
Hammond, Lee  
Pierce, David

Benn, Bernard  
Estes, Carole  
McLeod, Martha  
Preston, Philip

Bleyler, Ruth  
Friedrich, Carol  
Mulholland, Catherine  
Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Dokmo, Cynthia  
Fletcher, Richard  
Garrity, Patrick  
Graham, John  
Harvey, Suzanne  
Kaelin, Michael  
Lasky, Bette  
Levesque, Melanie  
O'Connell, Timothy  
Shaw, Barbara  
Vaillancourt, Steve

Beaulieu, Jane  
Chase, Claudia  
Drisko, Richard  
Forest, Armand  
Ginsburg, Ruth  
Hackel, Paul  
Holden, Randolph  
Kelley, John  
Leishman, Peter  
Martineau, Jesse  
Peterson, Andy  
Shaw, Kimberly  
Velez, Hector

Bergin, Peter  
Christensen, Chris  
Edwards, Andrew  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Irwin, Anne-Marie  
Kopka, Angeline  
Lessard, Rudy  
Messier, Irene  
Rosenwald, Cindy  
Simon, Anthony  
Winters, Joel

Brunelle, Michael  
Cote, David  
Essex, David  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Jeudy, Jean  
Kurk, Neal  
Levasseur, Nickolas  
Movsesian, Lori  
Shattuck, Gilman  
Spratt, Stephen

**MERRIMACK**

Anderson, Eric  
Brown, Carole  
DeJoie, John  
French, Barbara  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

Baxley, Maureen  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Lockwood, Priscilla  
Owen, Derek  
Shurtleff, Stephen  
Walz, Mary

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Hamm, Christine  
MacKay, James  
Porter, Margaret  
Tilton, Joy  
Webb, Leigh

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Kidder, David  
McMahon, Patricia  
Potter, Frances  
Tupper, Frank  
Williams, Robert

**ROCKINGHAM**

Abbott, Dennis  
Casey, Kimberley  
DiFruscia, Anthony  
Gould, Kenneth  
Hutchinson, Karen  
Kennedy, James  
McKinney, Betsy  
Powers, James  
Snow, Richard  
Welch, David

Borden, David  
Charron, Gene  
Emiro, Frank  
Griffin, Mary  
Ingram, Russell  
Major, Norman  
Moody, Marcia  
Robertson, Carl  
Splaine, James

Buxton, Donald  
Dalrymple, David  
Flanders, John Sr  
Grote, Otto  
Katsakiores, George  
Marsh, Michael  
Nord, Susi  
Russell, Trinkia  
Stiles, Nancy

Case, Frank  
Day, Judith  
Flockhart, Eileen  
Howard, Doreen  
Kelley, Jane  
McEachern, Paul  
Pantelakos, Laura  
Sanders, Elisabeth  
Weare, Everett

**STRAFFORD**

Billian, Deborah  
Cyr, James  
Hutz, Sarah  
Rollo, Deanna  
Smith, Marjorie  
Watson, Robert

Brennan, William  
DeChane, Marlene  
Kaen, Naida  
Rollo, Michael  
Spang, Judith

Brown, Larry  
Fargo, Thomas  
Knowles, William  
Rous, Emma  
Sprague, Dale

Burke, Rachel  
Hilliard, Dana  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Phinizz, James

Converse, Larry  
Gottling, Suzanne  
Skinder, Carla

Ferland, Brenda  
Jillette, Arthur Jr

Franklin, Peter  
Nielsen, Ellen

**NAYS 76  
BELKNAP**

Boyce, Laurie	Clark, Charles	Tilton, Franklin	Wendelboe, Fran
Whalley, Michael			

**CARROLL**

Brown, Carolyn	Chandler, Gene	Denley, William	Stevens, Stanley
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**CHESHIRE**

Butynski, William	Emerson, Susan
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**COOS**

None

**GRAFTON**

Dingman, Vernon III	Ingretson, Paul	Sorg, Gregory
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**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Clark, Mark
Crane, Elenore Casey	Daniels, Gary	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Haefner, Robert	Hinkle, Peyton	Hogan, Edith
Infantine, William	L'Heureux, Robert	Lawrence, James	Manney, Pamela
Matarazzo, Anthony Sr	McRae, Karen	Mooney, Maureen	O'Neil, James
Ober, Lynne	Ober, Russell III	Pilotte, Maurice	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Schulze, Joan	Smith, David
Soucy, Connie	Stepanek, Stephen	Ulery, Jordan	Villeneuve, Maurice

**MERRIMACK**

Hess, David	Humphries, Charlie
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**ROCKINGHAM**

Allen, Mary	Bedrick, Jason	Bettencourt, David	Bishop, Franklin
Camm, Kevin	Carson, Sharon	Devine, James	Elliott, Robert
Garcia, Marilinda	Garrity, James	Headd, James	Itse, Daniel
Kappler, Lawrence	Katsakiores, Phyllis	Lund, Howie	McMahon, Charles
Nowe, Ronald	Packard, Sherman	Pearson, Mark	Quandt, Marshall
Rausch, James	Waterhouse, Kevin	Weyler, Kenneth	Wickson, Rick
Winchell, George			

**STRAFFORD**

Berube, Roger

**SULLIVAN**

Donovan, Thomas      Rodeschin, Beverly  
and the committee report was adopted.

**HB 902**, establishing a committee to study the costs and benefits of the drug prohibition policy on the people of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill asks for a committee to study and report to the legislature whether or not our "War on Drugs" has been effective. Many of us believe that it has not been effective, but feel that any alternative other than legalizing drugs would not be acceptable to the proponents. As time goes on and more and more money is spent and lives are lost, we may realize a need to alter our system of laws to reflect changes in our society. Yet another study to state the obvious and gather dust in some executive office will not help. The proponents ought to gather the information themselves and make the report to all of us for consideration. Vote 14-2.

Rep. Mark Clark spoke against and yielded to questions.

Rep. Ingretson spoke against.

Rep. Welch spoke in favor.

Rep. Hutchinson moved the previous question.

Adopted.

On a division vote, 229 members having voted in the affirmative and 37 in the negative, the committee report was adopted.

**HB 314**, authorizing the Pelham school board to transfer funds for the purpose of renting portable classrooms. **INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M. Carson for Education: This bill attempted to address a confusing situation. The citizens of Pelham voted on a school bonding issue last year dealing with the purchase of portable classrooms. The majority voted not to adopt the warrant article. Subsequently, upon an inspection by the fire chief, the high school was found to have numerous code violations. The school board made a decision to close those classrooms and replace them with portables, an apparent violation of the “no means no” law. The school board attempted to seek a remedy to this situation by appealing to town officials and the State Board of Education. The State Board denied the request to relieve the district of potential liability. At a recent town meeting, the town decided to pay for the portable classrooms. There was concern expressed by the committee that we did not have the expertise to deal with violations of the “no means no” law and could not give them the relief they needed. Vote 11-1.

Committee report adopted.

**HB 424-FN-A**, relative to industrial hemp and establishing an industrial hemp special program fund. **OUGHT TO PASS.**

Rep. Derek Owen for Environment and Agriculture: This bill to allow the growing, cultivation and processing of industrial hemp should be passed. There are many countries that allow it including our neighbor Canada with which we share a border. This agricultural crop can be used in numerous ways: as a food product (hemp oil, hemp seed, and hemp beer), body products (shampoo and soaps), animal feed and bedding, paper, clothing and plastic products, and finally as a fuel or pulp product. The only opposition to this bill was a representative from the testing lab from the Department of Safety and a member of the Chiefs’ of Police. Their testimony was primarily based on the assumption that hemp and marijuana are both problematic in the mind altering abilities. You don’t smoke hemp. A wheelbarrow full would only make you sick. The main differences between the two are: hemp plants are grown very close together (to promote stalk for cellulose) and “pot” is grown well apart (to promote flowers and leaves). Also the T.H.C. (the mind altering compound) has almost been completely bred out of hemp which by law can be no more than three tenths of 1 percent. And finally because of cross pollination effects, marijuana cannot be grown anywhere near hemp. Vote 14-3.

Rep. Peterson spoke against.

Rep. Owen spoke in favor.

Rep. Peterson requested a roll call; sufficiently seconded.

**YEAS 190 NAYS 76**

**YEAS 190**

**BELKNAP**

Flanders, Donald  
Tobin, William

Morrison, Gail

Pilliod, James

Reever, Judith

**CARROLL**

Bridgham, Robert

Cunningham, Howard

Denley, William

Heard, Virginia

**CHESHIRE**

Allen, Peter  
Butynski, William  
Mitchell, Bonnie  
Sad, Tara

Burridge, Delmar  
Chase, William  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Robertson, Timothy

**COOS**

Hatch, William

Ingersoll, Paul Sr

Theberge, Robert

Thomas, Yvonne

**GRAFTON**

Aguir, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Bulis, Lyle	Cooney, Mary	Dingman, Vernon III
Estes, Carole	Friedrich, Carol	Hammond, Lee	Ingbretson, Paul
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip	Solomon, Peter	Williams, Burton	

**HILLSBOROUGH**

Baroody, Benjamin	Barry, Richard	Beaulieu, Jane	Campbell, David
Chase, Claudia	Dokmo, Cynthia	Elliott, Nancy	Essex, David
Fletcher, Richard	Foster, Linda	Francoeur, Bea	Ginsburg, Ruth
Gorman, Mary	Graham, John	Hackel, Paul	Hall, Betty
Hammond, Jill	Harvey, Suzanne	Hinkle, Peyton	Hogan, Edith
Infantine, William	Irwin, Anne-Marie	Jeady, Jean	Kaelin, Michael
Kelley, John	Kopka, Angeline	Lasky, Bette	Lawrence, James
Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie	Long, Patrick
Manney, Pamela	Martineau, Jesse	McRae, Karen	Messier, Irene
O'Neil, James	Ober, Lynne	Ober, Russell III	Pilotte, Maurice
Renzullo, Andrew	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Simon, Anthony	Smith, David
Soucy, Connie	Spratt, Stephen	Stepanek, Stephen	Ulery, Jordan
Vaillancourt, Steve	Velez, Hector	Winters, Joel	

**MERRIMACK**

Baxley, Maureen	Blanchard, Elizabeth	Bouchard, Candace	Brown, Carole
Brueggemann, Donald	Clarke, Claire	Davis, Frank	Ehlers, Eileen
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Humphries, Charlie	Kjellman, Eleanor Glynn	Lockwood, Priscilla	Osborne, Jessie
Owen, Derek	Porter, Margaret	Potter, Frances	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary
Walz, Mary	Webb, Leigh	Williams, Robert	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Allen, Mary	Bedrick, Jason	Borden, David
Case, Frank	Casey, Kimberley	Charron, Gene	Day, Judith
Devine, James	DiFruscia, Anthony	Flockhart, Eileen	Garcia, Marilinda
Gould, Kenneth	Grote, Otto	Howard, Doreen	Hutchinson, Karen
Katsakiores, Phyllis	Kelley, Jane	Kennedy, James	Lund, Howie
Marsh, Michael	McEachern, Paul	McKinney, Betsy	Moody, Marcia
Nord, Susi	Pantelakos, Laura	Powers, James	Russell, Trinka
Snow, Richard	Splaine, James	Waterhouse, Kevin	

**STRAFFORD**

Billian, Deborah	Brennan, William	Brown, Larry	Burke, Rachel
Cyr, James	DeChane, Marlene	Fargo, Thomas	Hilliard, Dana
Hutz, Sarah	Kaen, Naida	Perry, Robert	Rollo, Deanna
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Sprague, Dale	Wall, Janet	Watson, Robert

**SULLIVAN**

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gottling, Suzanne	Jillette, Arthur Jr	Nielsen, Ellen	Phinizy, James
Skinder, Carla			

**NAYS 76****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Millham, Alida
Russell, David	Tilton, Franklin	Wendelboe, Fran	Whalley, Michael

**CARROLL**Brown, Carolyn  
Stevens, Stanley

Buco, Thomas

Knox, J. David

Martin, James

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

**COOS**

Remick, William

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Sorg, Gregory

**HILLSBOROUGH**

Batula, Peter

Bergeron, Jean-Guy

Brunelle, Michael

Clark, Mark

Cote, David

Daniels, Gary

Drisko, Richard

Emerton, Larry

Forest, Armand

Gargas, Carolyn

Haefner, Robert

Hawkins, Ken

Holden, Randolph

Kurk, Neal

L'Heureux, Robert

Lessard, Rudy

Matarazzo, Anthony Sr

Mooney, Maureen

Movsesian, Lori

O'Connell, Timothy

Peterson, Andy

Price, Pamela

Rowe, Robert

Villeneuve, Maurice

**MERRIMACK**

Anderson, Eric

DeStefano, Stephen

Hess, David

Kidder, David

MacKay, James

**ROCKINGHAM**

Baldasaro, Alfred

Bettencourt, David

Bishop, Franklin

Buxton, Donald

Carson, Sharon

Dalrymple, David

Emiro, Frank

Flanders, John Sr

Garrity, James

Griffin, Mary

Headd, James

Katsakiores, George

Major, Norman

McMahon, Charles

Packard, Sherman

Pearson, Mark

Quandt, Marshall

Robertson, Carl

Sanders, Elisabeth

Stiles, Nancy

Weare, Everett

Welch, David

Weyler, Kenneth

Wickson, Rick

Winchell, George

**STRAFFORD**

None

**SULLIVAN**

Gagnon, Raymond

Rodeschin, Beverly

And the committee report was adopted.

Ordered to third reading.

**HB 363**, relative to certain notification for emergency contraception. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would require the pharmacists dispensing emergency contraception to post a sign at each cash register with a statement about fertilization. The committee was reluctant to force private businesses to display signs expressing a particular point of view. Pharmacists also indicated their great concern at displaying signs that they (or their check out staff) might well be forced to explain to the general public. While some of the committee was sympathetic to the intention of the bill, no one thought this bill was good public policy. Vote 17-0.

Committee report adopted.

**CLERK'S NOTE**

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

## BILLS REMOVED FROM CONSENT CALENDAR – SPECIAL ORDERS (CONT'D)

**CACR 17**, relating to funding for education. Providing that revenue from lotteries and games of chance may only be used for educational purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert A. Foose for Finance: This constitutional amendment expands the definition of gambling revenues to provide that revenues from games of chance may only be used for educational purposes. The majority of the committee believed that it is premature to add games of chance as another source of permitted gambling unless the legislature first acts to approve "games of chance." Vote 19-1.

### MOTION TO LAY ON THE TABLE

Rep. Leishman moved that **CACR 17**, relating to funding for education. Providing that revenue from lotteries and games of chance may only be used for educational purposes, be laid on the table. On a division vote, 153 members having voted in the affirmative and 109 in the negative, the motion failed lacking the necessary three-fifths vote.

The question now being adoption of the committee report of Inexpedient to Legislate. On a division vote, 245 members having voted in the affirmative and 18 in the negative, the committee report was adopted by the necessary two-thirds.

## BILLS REMOVED FROM CONSENT CALENDAR – SPECIAL ORDERS (CONT'D)

**HB 567-FN**, relative to lowering the legal drinking age. **INEXPEDIENT TO LEGISLATE.**

Rep. Frances D. Potter for Judiciary: This bill was strongly opposed in testimony. A representative of the Health and Human Services Department pointed out that no state has a drinking age under 21. The committee heard testimony from NH Liquor Commission Enforcement and Licensing that the brains of 18-25 year-olds are still developing. A board certified health educator from St. Paul's School stated that alcohol use is a primary medical concern. He also stated that the adolescent brain is vulnerable and not like the adult brain. Alcohol disrupts sleep cycles, short term memory, and impairs maturation, as well as causing the loss of frontal lobe function, permanently. For these reasons the committee recommends Inexpedient to Legislate. Vote 17-0.

Rep. Timothy Robertson spoke against.

Rep. Potter spoke in favor.

On a division vote, 234 members having voted in the affirmative and 31 in the negative, the committee report was adopted by the necessary two-thirds.

**HB 670**, relative to repealing the incorporation of the New Hampshire Bar Association. **INEXPEDIENT TO LEGISLATE.**

Rep. Bette R. Lasky for Judiciary: This bill would revoke the charter granted to the New Hampshire Bar Association in 1873 by the New Hampshire Legislature. The committee recognized that it is the responsibility of the Judicial Branch to regulate the practice of law in our state and they have chosen to do so through the New Hampshire Bar Association. Furthermore, this bill would have required any and all assets of the New Hampshire Bar Association to be forfeited to the State of New Hampshire. This action would be contrary to Part 1, Article 19, of the New Hampshire Constitution. Vote 16-0. Committee report adopted by the necessary two-thirds.

**HB 906**, relative to an informed jury. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Judiciary: The majority of the committee felt that the instructions that are currently given to juries on jury nullification are adequate, and that it would be a mistake to encourage juries to ignore the law that is given to them by the judge. It is the passage of laws following the legislative process that should govern our conduct, not juries. Vote 15-1.

Rep. DiFruscia spoke against.

Rep. Weber spoke in favor.

On a division vote, 199 members having voted in the affirmative and 59 in the negative, the committee report was adopted by the necessary two-thirds.

**HB 310**, allowing municipalities to regulate small wind energy systems. **OUGHT TO PASS.**

Rep. Mary R. Cooney for Municipal and County Government: Municipalities may now allow the construction of residential wind turbines. This bill helps them by establishing guidelines for



height and set backs. Under this bill, municipalities may adopt ordinances to allow these residential uses of wind energy systems consistent with the overall goal of saving energy. As part of this bill, the office of energy and planning will develop a technical bulletin relative to model municipal ordinances. Vote 10-2.

Rep. Simon moved Recommit.

Adopted by the necessary two-thirds.

Recommitted to the Committee on Municipal and County Government.

Rep. Peter Allen declared a conflict of interest on **HB 310** and did not participate.

**HB 474**, excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: The original law exempting pollution control facilities from the local real estate tax was passed in 1955. During discussion last session regarding these facilities it was brought out that the law could be applied to every private septic and sewage treatment system. The Department of Environmental Services has only granted this tax exemption twice in 2004, with no input from the municipalities. This year another request for exemption of a private septic system was received. **HB 474** was introduced to remove private septic and sewage treatment systems from RSA 72:12-a "Water and Air Pollution Control Facilities." In essence, the state gives these local property tax exemptions even when the requirement for septic and sewage treatment systems are mandated by the state and federal government. The committee supports the amendment removing these private systems used primarily for the treatment or disposal of human water from this property tax exemption. Vote 15-0.

#### **Amendment (0769h)**

Amend RSA 72:12-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Any person, firm or corporation which builds, constructs, installs, or places in use in this state any treatment facility, device, appliance, or installation wholly or partly for the purpose of reducing, controlling, or eliminating any source of air or water pollution shall be entitled to have the value of said facility and any real estate necessary therefor, or a percentage thereof determined in accordance with this section, exempted from the taxes levied under this chapter for the period of years in which the facility, device, appliance, or installation is used in accordance with the provisions of this section. This paragraph shall not apply to privately-owned landfills or ancillary facilities located at such landfills, *or to private septic and sewage treatment systems that have as their primary purpose treatment or disposal of human waste.*

Amend section 2 of the bill by replacing it with the following:

2 Effective Date. This act shall take effect April 1, 2008.

Rep. Theberge moved Recommit.

Adopted by the necessary two-thirds.

Recommitted to the Committee on Municipal and County Government.

**HB 674**, extending the veterans' property tax credit to all honorably discharged veterans. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L. Osborne for Municipal and County Government: The committee felt that this bill would shift the tax burden to the rest of the population by imposing a new tax on residents due 4/1 every year of \$10 per person ages 18-65 to pay for this new all encompassing veterans property tax credit. This tax credit is not means tested and in addition repeals definition of combat veterans, specific wars and time frames which are necessary references for other RSAs. NH already recognizes and honors its combat veterans with property tax credit. Vote 15-0.

Reps. Lawrence, Haefner and Baldasaro spoke against.

Rep. Theberge spoke in favor and yielded to questions.

Rep. Bettencourt requested a roll call; sufficiently seconded.

**YEAS 166 NAYS 89**

#### **YEAS 166 BELKNAP**

Allen, Janet  
Morrison, Gail

Boyce, Laurie  
Pilliod, James

Flanders, Donald  
Reever, Judith

Millham, Alida  
Russell, David

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Brown, Carolyn  
Knox, J. David

Buco, Thomas  
Martin, James

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Butynski, William  
Johnson, Jane  
Weber, Lucy

Burridge, Delmar  
Chase, William  
Richardson, Barbara  
Weed, Charles

Butcher, Suzanne  
Dunn, J. Timothy  
Robertson, Timothy

Butterworth, Timothy  
Eaton, Daniel  
Sad, Tara

**COOS**

Ingersoll, Paul Sr  
Thomas, Yvonne

Stohl, Eric

Theberge, Robert

Tholl, John Jr

**GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Friedrich, Carol  
Nordgren, Sharon

Almy, Susan  
Bulis, Lyle  
Hammond, Lee  
Pierce, David

Andersen, Gene  
Cooney, Mary  
McLeod, Martha  
Preston, Philip

Benn, Bernard  
Estes, Carole  
Mulholland, Catherine  
Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
Chase, Claudia  
Essex, David  
Hammond, Jill  
Irwin, Anne-Marie  
Kurk, Neal  
Long, Patrick  
Peterson, Andy  
Schulze, Joan  
Vaillancourt, Steve

Beaulieu, Jane  
Cote, David  
Foster, Linda  
Harvey, Suzanne  
Kaelin, Michael  
Lasky, Bette  
Martineau, Jesse  
Pilotte, Maurice  
Simon, Anthony  
Villeneuve, Maurice

Brunelle, Michael  
Drisko, Richard  
Hackel, Paul  
Hawkins, Ken  
Kelley, John  
Levasseur, Nickolas  
McRae, Karen  
Price, Pamela  
Smith, David  
Winters, Joel

Campbell, David  
Edwards, Andrew  
Hall, Betty  
Holden, Randolph  
Kopka, Angeline  
Levesque, Melanie  
Movsesian, Lori  
Rosenwald, Cindy  
Spratt, Stephen

**MERRIMACK**

Baxley, Maureen  
Clarke, Claire  
French, Barbara  
Kidder, David  
Osborne, Jessie  
Shurtleff, Stephen  
Walz, Mary

Blanchard, Elizabeth  
Davis, Frank  
Greco, Vincent  
Lockwood, Priscilla  
Owen, Derek  
Tilton, Joy  
Webb, Leigh

Bouchard, Candace  
Ehlers, Eileen  
Hamm, Christine  
MacKay, James  
Porter, Margaret  
Tupper, Frank  
Williams, Robert

Brueggemann, Donald  
Foose, Robert  
Hess, David  
McMahon, Patricia  
Potter, Frances  
Wallner, Mary  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Day, Judith  
Kennedy, James  
Nord, Susi  
Snow, Richard  
Wickson, Rick

Allen, Mary  
Flockhart, Eileen  
Marsh, Michael  
Pantelakos, Laura  
Splaine, James

Borden, David  
Gould, Kenneth  
McEachern, Paul  
Powers, James  
Waterhouse, Kevin

Casey, Kimberley  
Grote, Otto  
Moody, Marcia  
Russell, Trinka  
Welch, David

**STRAFFORD**

Billian, Deborah  
DeChane, Marlene  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Brown, Larry  
Hilliard, Dana  
Rollo, Deanna  
Smith, Marjorie  
Warren, Nancy

Burke, Rachel  
Hutz, Sarah  
Rollo, Michael  
Spang, Judith  
Watson, Robert

Cyr, James  
Kaen, Naida  
Rous, Emma  
Sprague, Dale

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Skinder, Carla

Converse, Larry  
Jillette, Arthur Jr

Donovan, Thomas  
Nielsen, Ellen

Franklin, Peter  
Phinizy, James

**NAYS 89**  
**BELKNAP**

Clark, Charles	Tobin, William	Wendelboe, Fran	Whalley, Michael
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**CARROLL**

Chandler, Gene	Denley, William	Stevens, Stanley
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**CHESHIRE**

Emerson, Susan	Hunt, John	Roberts, Kris
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**COOS**

Hatch, William	Remick, William
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**GRAFTON**

Dingman, Vernon III	Sorg, Gregory	Williams, Burton
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**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Clark, Mark
Daniels, Gary	Dokmo, Cynthia	Elliott, Nancy	Emerton, Larry
Fletcher, Richard	Francoeur, Bea	Graham, John	Haefner, Robert
Hinkle, Peyton	Hogan, Edith	Infantine, William	Jeady, Jean
L'Heureux, Robert	Lawrence, James	Leishman, Peter	Lessard, Rudy
Manney, Pamela	Messier, Irene	Mooney, Maureen	O'Connell, Timothy
O'Neil, James	Ober, Lynne	Ober, Russell III	Renzullo, Andrew
Rowe, Robert	Shaw, Barbara	Soucy, Connie	Stepanek, Stephen
Ulery, Jordan	Velez, Hector		

**MERRIMACK**

Anderson, Eric	Brown, Carole	DeStefano, Stephen	Gile, Mary
Humphries, Charlie	Kjellman, Eleanor Glynn	Ryan, Jim	

**ROCKINGHAM**

Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David	Bishop, Franklin
Buxton, Donald	Case, Frank	Charron, Gene	Dalrymple, David
Devine, James	DiFruscia, Anthony	Emiro, Frank	Flanders, John Sr
Garcia, Marilinda	Garrity, James	Griffin, Mary	Headd, James
Howard, Doreen	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	McMahon, Charles	Packard, Sherman	Pearson, Mark
Quandt, Marshall	Robertson, Carl	Sanders, Elisabeth	Stiles, Nancy
Weare, Everett	Weyler, Kenneth	Winchell, George	

**STRAFFORD**

Brennan, William	Fargo, Thomas
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**SULLIVAN**

None

and the committee report failed lacking the necessary two-thirds.

**LAID ON THE TABLE**

Rep. Campbell moved that **HB 674**, extending the veterans' property tax credit to all honorably discharged veterans, be laid on the table.

On a division vote, 176 members having voted in the affirmative and 79 in the negative, the motion was adopted by the necessary two-thirds.

Rep. Ingbreton declared a conflict of interest on **HB 674** and did not participate.

**BILLS REMOVED FROM CONSENT CALENDAR – SPECIAL ORDERS**  
**(CONT'D)**

**HB 318**, relative to large groundwater withdrawals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela J. Hubbard for Resources, Recreation and Development: This bill amends certain statutes relating to large groundwater withdrawals in order to make all statutes consistent with one another. The amendment specifies that the same large groundwater permit is required for withdrawals from multiple wells installed on the same property as a single well extracting that quantity (57,600 gallons per day). Vote 16-0.

#### Amendment (0605h)

Amend the bill by replacing all after the enacting clause with the following:

1 Approval for Large Groundwater Withdrawals. Amend RSA 485-C:21, I to read as follows:

I. No person may withdraw ***more than a total of 57,600 gallons [or more]*** of water in any 24-hour period from ~~[a well sited after the effective date of this section]~~ ***a well or wells sited at a single property or place of business after the effective date of this section, regardless of the number of wells sited on the property or business,*** without the prior approval of the department.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill limits the withdraw of groundwater to the cumulative amount of 57,600 gallons from a single property or place of business, regardless of the number of wells on that property.

Amendment adopted.

Committee report adopted by the necessary two-thirds.

Ordered to third reading.

**HB 710**, establishing a commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Harry C. Merrow for Resources, Recreation and Development: This bill forms a committee to study the issues relative to leasing state owned real estate on the shores of public waters. While allowing for the extension of existing leases, it temporarily prohibits entering into any new leases between the effective date and January 2009. Vote 14-0.

#### Amendment (0807h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters and temporarily prohibiting new leases of state-owned real estate on the shores of public waters.

Amend paragraph I of section 2 of the bill by inserting after subparagraph (k) the following new subparagraphs:

(l) Two members of the public, appointed by the governor.

(m) One representative from the department of safety.

(n) One representative from the long range capital planning and utilization committee.

(o) One representative of a municipality with leased shorefront property, appointed by the

New Hampshire Municipal Association.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Leases; Temporary Prohibition. The state shall not enter into any new leases of real estate on the shores of public waters between the effective date of this section and January 1, 2009. The state may extend any lease in effect on the effective date of this section.

#### AMENDED ANALYSIS

This bill establishes a commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters. This bill also temporarily prohibits new leases of state-owned real estate on the shores of public waters.

Rep. Spang spoke against.

Amendment failed.

Rep. Cloutier offered floor amendment (1032h).

**Floor Amendment (1032h)**

Amend paragraph I of section 2 of the bill by inserting after subparagraph (k) the following new subparagraphs:

- (l) Two members of the public, appointed by the governor.
- (m) One representative from the department of safety.
- (n) One representative from the long range capital planning and utilization committee.
- (o) One representative of a municipality with leased shorefront property, appointed by the New Hampshire Municipal Association.

Amend the bill by replacing sections 4 and 5 with the following:

4 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation in a final report to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the commissioner of transportation, the commissioner of environmental services, the director of the office of energy and planning, the chair of the long range capital planning and utilization committee, and the state library on or before November 30, 2008. Rep. Cloutier spoke in favor and yielded to questions.

Floor amendment (1032h) adopted by the necessary two-thirds.

Committee report adopted by the necessary two-thirds.

Ordered to third reading.

**HB 559**, relative to seat belts on school buses. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard N. Cunningham for Transportation: Student safety was the foremost concern of the committee. The language of this bill refers to "seat belts" – line 10 – without specificity as to type of belts. There are two types of seat belts: two point lap belts and three point shoulder-lap belts. Research and testimony indicated a high probability of secondary injury from the use of 2 point belts in an impact accident. In addition, 3 point belts need to be sized to students in order to be effective. The 3 point belt anchors require enough space to reduce the student capacity of a bus by one third. This would create the need for additional buses thus increase the odds of an accident. The issue of student misuse of the belts in interactions with other students was also an issue as was the release of students from belts in case of either fire or accident in which the bus came to rest upside down. The science and technology of school bus safety is ongoing and student safety is presently at a very high level. If student safety is an issue we could save significantly more students by focusing efforts on students driven to and from school in private vehicles by parents or siblings. Vote 17-0.

Committee report adopted by the necessary two-thirds.

**HB 795**, relative to restricting usage of cellular phones while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for Transportation: The bill seeks to impose a violation and thereby prohibit the use of conventional cellular phones by drivers while a motor vehicle is in operation. The laudable intent of the sponsor was to focus drivers on the task of driving and to discourage the lamentable pattern of using phones and engaging in other activities that distract the driver and increase the risk of driving error and accident. A similar bill appeared before the House in a previous session and the House responded by enacting laws to regulate negligent driving. We believe enforcement of that statute is crucial to the goals of the sponsor and while we resolve that this bill is inexpedient to legislate, we do agree to closely work with the Department of Safety to observe enforcement of the negligent driving statute as we share the sponsor's well-founded concerns. Vote 11-4.

Committee report adopted by the necessary two-thirds.

**CACR 16**, relating to an income and a sales tax. Providing that there shall be a state referendum prior to the legislature's adoption of an income tax or sales tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Priscilla P. Lockwood for Ways and Means: This CACR allows for a statewide referendum before the introduction of an income tax or sales tax bill. This state is not a referendum state and the committee agreed that this bill should be ITL. Vote 18-0.

Rep. Boyce requested a roll call; sufficiently seconded.

**YEAS 203 NAYS 49****YEAS 203****BELKNAP**

Clark, Charles	Flanders, Donald	Millham, Alida	Morrison, Gail
Pilliod, James	Reever, Judith	Russell, David	

**CARROLL**

Bridgham, Robert	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Cunningham, Howard	Heard, Virginia	Knox, J. David	Martin, James

**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Hunt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

**COOS**

Hatch, William	Ingersoll, Paul Sr	Stohl, Eric	Theberge, Robert
Tholl, John Jr	Thomas, Yvonne		

**GRAFTON**

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Dingman, Vernon III	Estes, Carole	Friedrich, Carol
Hammond, Lee	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Pierce, David	Preston, Philip	Solomon, Peter	Williams, Burton

**HILLSBOROUGH**

Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy
Brunelle, Michael	Campbell, David	Chase, Claudia	Cote, David
Dokmo, Cynthia	Drisko, Richard	Edwards, Andrew	Emerton, Larry
Essex, David	Fletcher, Richard	Foster, Linda	Gorman, Mary
Graham, John	Hackel, Paul	Hall, Betty	Hammond, Jill
Harvey, Suzanne	Hinkle, Peyton	Holden, Randolph	Irwin, Anne-Marie
Jeady, Jean	Kaelin, Michael	Kelley, John	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Leishman, Peter
Levasseur, Nickolas	Martineau, Jesse	McRae, Karen	Messier, Irene
Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy	O'Neil, James
Peterson, Andy	Pilote, Maurice	Price, Pamela	Rosenwald, Cindy
Rowe, Robert	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Simon, Anthony	Smith, David	Spratt, Stephen	Vaillancourt, Steve
Velez, Hector	Winters, Joel		

**MERRIMACK**

Anderson, Eric	Baxley, Maureen	Blanchard, Elizabeth	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeStefano, Stephen	Ehlers, Eileen	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hamm, Christine	Hess, David
Kidder, David	Kjellman, Eleanor Glynn	Lockwood, Priscilla	MacKay, James
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Porter, Margaret
Potter, Frances	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Wallner, Mary	Walz, Mary	Webb, Leigh	Williams, Robert

**ROCKINGHAM**

Abbott, Dennis	Allen, Mary	Bishop, Franklin	Borden, David
Case, Frank	Casey, Kimberley	Charron, Gene	Day, Judith
DiFruscia, Anthony	Flanders, John Sr	Flockhart, Eileen	Garcia, Marilinda

Gould, Kenneth  
Katsakiores, George  
McEachern, Paul  
Pantelakos, Laura  
Russell, Trink  
Weare, Everett

Grote, Otto  
Katsakiores, Phyllis  
McMahon, Charles  
Powers, James  
Snow, Richard  
Welch, David

Headd, James  
Major, Norman  
Moody, Marcia  
Quandt, Marshall  
Splaine, James  
Wickson, Rick

Howard, Doreen  
Marsh, Michael  
Nord, Susi  
Robertson, Carl  
Waterhouse, Kevin

### STRAFFORD

Billian, Deborah  
Cyr, James  
Hutz, Sarah  
Rollo, Michael  
Spang, Judith  
Watson, Robert

Brennan, William  
DeChane, Marlene  
Kaen, Naida  
Rous, Emma  
Sprague, Dale

Brown, Larry  
Fargo, Thomas  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Burke, Rachel  
Hilliard, Dana  
Rollo, Deanna  
Smith, Marjorie  
Warren, Nancy

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Skinder, Carla

Converse, Larry  
Jillette, Arthur Jr

Donovan, Thomas  
Nielsen, Ellen

Franklin, Peter  
Phinazy, James

### NAYS 49

### BELKNAP

Allen, Janet  
Whalley, Michael

Boyce, Laurie

Tobin, William

Wendelboe, Fran

### CARROLL

Denley, William

Stevens, Stanley

### CHESHIRE

Emerson, Susan

Johnson, Jane

### COOS

Remick, William

### GRAFTON

Ingbretson, Paul

### HILLSBOROUGH

Barry, Richard  
Elliott, Nancy  
Hogan, Edith  
Levesque, Melanie  
Ober, Russell III

Clark, Mark  
Francoeur, Bea  
Infantine, William  
Long, Patrick  
Renzullo, Andrew

Crane, Elenore Casey  
Haefner, Robert  
Lawrence, James  
Manney, Pamela  
Soucy, Connie

Daniels, Gary  
Hawkins, Ken  
Lessard, Rudy  
Ober, Lynne  
Stepanek, Stephen

### MERRIMACK

Humphries, Charlie

Yeaton, Charles

### ROCKINGHAM

Bedrick, Jason  
Dalrymple, David  
Griffin, Mary  
Sanders, Elisabeth

Bettencourt, David  
Devine, James  
Lund, Howie  
Weyler, Kenneth

Buxton, Donald  
Emiro, Frank  
Packard, Sherman  
Winchell, George

Carson, Sharon  
Garrity, James  
Pearson, Mark

### STRAFFORD

None

### SULLIVAN

Rodeschin, Beverly

and the committee report was adopted by the necessary two-thirds.

Reps. Ulery and Stiles did not vote and notified the Clerk that they wished to be recorded in favor.

**HB 622-FN-A-L**, establishing an income tax and repealing all state and local taxes, with the exception of the tobacco tax, beginning in 2012. **INEXPEDIENT TO LEGISLATE.**

Rep. Christine C. Hamm for Ways and Means: By replacing all but one of New Hampshire's current revenue sources with an income tax for a trial period from FY 2012 to FY 2018, this bill would radically reshape how both the state and municipalities raise funds. Committee members were apprehensive about a five-year trial of such magnitude and expressed concern about its implication, including the loss of local control and the assumption that all levels of government could survive on a one-percent increase over recent spending. Vote 18-0.

On a division vote, 250 members having voted in the affirmative and 8 in the negative, the committee report was adopted by the necessary two-thirds.

**HB 757-FN-A**, relative to the beer tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Peyton B. Hinkle for Ways and Means: This bill changes the way beer is taxed from \$0.30 per gallon to 5% of the wholesale value per 12 ounces sold to retail. No other state taxes beer this way. The Liquor Commission felt this would make beer tax collection more difficult and complicated to enforce. The proposed changes may result in less tax being collected in the case of keg beer. The Retail Grocers Association was opposed because their member stores enjoy an advantage from having no sales tax. Approximately 40 percent of the sale from convenience stores and mom-and-pop stores is cross-border, and they could lose sales of not only of beer, but of other products as well. This is critical since stores operate at a margin of around 1% in the case of larger chains down to ¼% for small operators. Other members of the committee felt that since the features of this bill are contained in another bill being retained by the committee, an amended beer tax could still be considered at a later date, which might not create the same problems. Vote 18-1. Committee report adopted by the necessary two-thirds.

**HB 793-FN-A**, establishing an exemption from the interest and dividends tax for individuals who are 62 years of age or older. **INEXPEDIENT TO LEGISLATE.**

Rep. William A. Hatch for Ways and Means: This bill establishes a \$24,000 exemption from the interest and dividends tax for individuals who are 62 years of age or older. The committee commends the sponsor for his attempt to aid this group, however the fiscal note shows a loss of \$15,443,000 in revenue based on 2005 tax data and assumes at least that amount in 2008 and thereafter without replacement. Also there is not a means test offered to identify individual need. Vote 18-1.

On a division vote, 222 members having voted in the affirmative and 37 in the negative, the committee report was adopted by the necessary two-thirds.

**HB 820-FN-A**, establishing tax on candy. **INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Mulholland for Ways and Means: Although well-intentioned, this bill provoked an outcry from wholesalers, distributors and vending machine salespeople. Requiring a stamp on every package and candy bar would present untold expense for the middleman and as such the verdict was inexpedient to legislate. Vote 19-0.

On a division vote, 257 members having voted in the affirmative and 3 in the negative, the committee report was adopted by the necessary two-thirds.

**HB 891-FN-A**, establishing a beverage fee to be paid by beverage manufacturers and distributors. **INEXPEDIENT TO LEGISLATE.**

Rep. Ron J. Mack for Ways and Means: The committee recognized the financial burden placed on local bottlers, the complexity of tracking the interstate products and the discriminatory issue of determining which products should be included in the fee schedule. Over the past several years, many states have eliminated their beverage fee on nonalcoholic beverages and the committee is aware of only three states that still impose a beverage tax/fee. The Department of Revenue Administration was unable to determine how much revenue this would bring in or the fiscal impact on state expenditures. Vote 19-0.

Committee report adopted by the necessary two-thirds.

**HB 913-FN-A**, establishing a senior citizen property tax postponement program. **INEXPEDIENT TO LEGISLATE.**

Rep. Ron J. Mack for Ways and Means: This bill requires the New Hampshire Housing Finance Authority to organize, evaluate and administer individual senior citizens property tax relief. The committee determined that the administrative costs will be excessive. The State Treasury Depart-



ment determined taxable bonds, rather than state tax-exempt bonds must be issued, thus negating any cost advantage in the bond market. The Municipal and County Government Committee has retained a similar bill (HB 829) for future study. Vote 19-0.

Rep. Almy spoke in favor.

Committee report adopted by the necessary two-thirds.

### RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 11, 2007 at 10:00 a.m.

Adopted by the necessary two-thirds.

### LATE SESSION

#### Third reading and final passage

**HB 753-FN-A**, relative to the electronic toll collection transponder inventory fund.

**HB 754-FN**, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority.

**HB 689**, establishing a commission to study production and distribution of biodiesel fuel in New Hampshire.

**HB 768**, relative to voluntary registration with the Eastern Climate Registry.

**HR 7**, urging increased consideration and preservation of local authority in international trade and investment agreements.

**HR 9**, supporting the U.S. Mayors Climate Protection Agreement.

**HB 898**, relative to the use of sled dogs and the training of sled dogs on state trails.

**HB 873-FN-L**, establishing minimum renewable standards for energy portfolios.

**HB 685**, prohibiting New Hampshire from participating in a national identification card system.

**HB 755-FN**, relative to transfers of motor vehicle permits.

**HB 802**, relative to passenger restraints.

**HB 424-FN-A**, relative to industrial hemp and establishing an industrial hemp special program fund.

**HB 318**, relative to large groundwater withdrawals.

**HB 710**, establishing a commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters.

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill number 36.

Rep. Hager, Sen. D'Allesandro for the Committee

### UNANIMOUS CONSENT

Rep. Wendelboe addressed the House.

### RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages.

Adopted.

The House recessed at 7:00 p.m.

### RECESS

(Rep. Foster in the Chair)

### RESOLUTION

Rep. Gionet offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 46, 57, 60, 86, 87, 93, 95, 133, 144, 148, 149, 153, 155, 160, 169, 187, 192, 206, 215, 216, 220 through 222, 229, 231, 245, 252, 260 and Senate Concurrent Resolutions numbered 2 and 4 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS AND SCRS****First, second reading and referral**

**SB 46**, requiring criminal conviction record checks of all applicants to practice medicine in New Hampshire. (Executive Departments and Administration)

**SB 57**, requiring a course in civics for high school graduation. (Education)

**SB 60-FN**, relative to compensations for injuries and illnesses suffered by national guard members on state active duty. (Labor, Industrial and Rehabilitative Services)

**SB 86**, naming a bridge in Plymouth. (Public Works and Highways)

**SB 87**, making technical corrections to certain lottery commission provisions. (Ways and Means)

**SB 93-FN**, relative to insurance coverage for children's early intervention therapy services. (Commerce)

**SB 95**, relative to bingo games conducted by senior citizens' organizations. (Ways and Means)

**SB 133-FN**, relative to the escrow fund for court facility improvements. (Judiciary)

**SB 144-FN**, relative to the permissible sales commission on the sale of lottery tickets. (Ways and Means)

**SB 148-FN**, relative to retirement system status for members of the university system police force. (Executive Departments and Administration)

**SB 149**, relative to the 2 family support councils for the developmentally disabled serving Lebanon and Claremont. (Health, Human Services and Elderly Affairs)

**SB 153**, establishing a committee to study changing statutory references to "mental retardation." (Health, Human Services and Elderly Affairs)

**SB 155**, relative to insurance coverage for chiropractic services. (Commerce)

**SB 160-FN-L**, adding members to the Skyhaven airport operation commission and changing the required completion date for the Skyhaven airport transfer plan. (Public Works and Highways)

**SB 169-FN-A**, establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty and establishing a committee to study the feasibility of establishing a state death benefit for emergency medical technicians killed in the line of duty. (Executive Departments and Administration)

**SB 187**, relative to motor vehicles operated in parades. (Transportation)

**SB 192-FN**, establishing an outreach program in the children's health insurance program. (Health, Human Services and Elderly Affairs)

**SB 206-FN-L**, relative to the investment authority of local government entities. (Municipal and County Government)

**SB 215-FN-A**, making an appropriation for AIDS services. (Health, Human Services and Elderly Affairs)

**SB 216**, relative to certification of employee organizations to represent public employees. (Labor, Industrial and Rehabilitative Services)

**SB 220**, establishing a commission to study the feasibility of establishing a public review board for health insurance rate increase requests. (Commerce)

**SB 221**, establishing a commission to organize events in celebration of the Abraham Lincoln bicentennial. (State-Federal Relations and Veterans Affairs)

**SB 222-FN**, relative to health insurance for national guard members. (Commerce)

**SB 229**, relative to restitution ordered against an inmate. (Executive Departments and Administration)

**SB 231**, exempting certain department of corrections practices and procedures from the provisions of RSA 541-A. (Executive Departments and Administration)

**SB 245**, relative to the New Hampshire college tuition savings plan. (Education)

**SB 252**, relative to publication of supreme court reports. (Judiciary)

**SB 260-FN**, relative to the location and budget practices of the lottery commission. (Executive Departments and Administration)

**SCR 2**, urging Congress to amend the No Child Left Behind Act. (Education)

**SCR 4**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (Education)

**RECESS****(Speaker Norelli in the Chair)**

Rep. Wallner moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 14

Wednesday, April 11, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

O God of Holy struggle, we have had quite a couple of weeks here together in this chamber - long days, heated debates, and significant differences of opinion. Remind us now and then what a privilege it is, disguised though it may be, to have long days together, to engage in heated debates, and to express our differences of opinion. Give to us the extra measure of awareness we need to discover the blessings that are often hidden in the midst of our struggles.

We pause at the beginning of this session to re-center ourselves, to be in silence that we might be mindful of the power of wordlessness, and that we might pray silently for those whose lives and challenges are very much in our thoughts today.

O God of kindness and of justice, of bills and budgets, in some small way today, broaden and deepen our work in ways which affirm the extension of life, liberty and responsibility to all those in this state whom we serve, whatever their station, whatever their orientation, whatever their economic situation, whatever their race, whatever their creed, and whatever their need. Amen.

Rep. Vernon Dingman, member from Haverhill, led the Pledge of Allegiance.

The National Anthem was sung by Zach Bencal, a student at Londonderry High School.

### LEAVES OF ABSENCE

Reps. Stephen Johnson, Owen, Carl Robertson and Stohl, the day, illness.

Reps. Bishop, Jennifer Brown, Ingersoll, Lister, Morrison, O'Keefe, Serlin and Srnec, the day, important business.

### INTRODUCTION OF GUESTS

Cindy and Jonah Bencal, mother and brother of the singer, guests of the House. Jane McGaw Palmer and Bob Landman, guests of Rep. Judith Day. Tim, Ben and Jon Arsenault and members of the Gay Straight United Club of Laconia High School, guests of Reps. Reeve and Arsenault. Catherine Dingman and Wendy Cheney, wife and guest of Rep. Dingman.

### TARTAN DAY PROGRAM

Rep. John Hunt introduced special guests who performed for the House in honor of New Hampshire Tartan Day: Piper Elliott Smith and Highland Dancers from the New Hampshire School of Scottish Arts Laura Zbehlick, Marie Holmes, Allison Leger, Abby Crawford, Fionna Barker, Madison Bergethon, Hannah Marcel, Sara Arianna and Colleen Dudley.

Piper Elliot Smith of Concord piped "Flowers of the Forest" in memory of Representatives Lee Slocum, Clair Snyder, Don Carlson and Jim Oliver.

Rep. Rowe offered a traditional Scottish parting blessing and Piper Elliott Smith piped "Amazing Grace."

### SUSPENSION OF RULES

Reps. Wallner and Whalley moved that Rule 25(a) be suspended to allow reconsideration of all House action on March 28, 2007 on **HB 83**, relative to the deliberations of certain state agencies under the right-to-know law.

Rep. Wallner spoke in favor.

Adopted by the necessary two-thirds.

### RECONSIDERATION

Reps. Mooney and Gary Richardson moved reconsideration of all votes taken on **HB 83**, relative to the deliberations of certain state agencies under the right-to-know law, including majority committee amendment (0953h), floor amendment (0987h) and the majority committee report of Ought to Pass with Amendment.

Reps. Mooney and Gary Richardson spoke in favor.

Adopted.

The question now being adoption of majority committee amendment (0953h).

Adopted.

The question now being adoption of floor amendment (0987h).

Adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Adopted.

Ordered to third reading.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Wallner moved that the Consent Calendar as printed in the day's House Record be adopted.

**HB 660-FN**, relative to an assistant state veterinarian, removed by Rep. Vaillancourt.

**HB 897-FN-A**, relative to the salary of the state veterinarian, removed by Rep. Vaillancourt.

Consent Calendar adopted.

Rep. Timothy Robertson declared a conflict of interest on **HB 239-FN-A** and did not participate in the vote on the Consent Calendar.

**HB 137**, relative to food safety in restaurants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: Food safety in the preparation and serving of food is important not only for the people of New Hampshire but for the many thousands of people who visit New Hampshire. This legislation would assure that at least one person in a food serving establishment will have passed a food safety course and test covering such information as what to know about buying food, how to store food safely and how to safely prepare and serve food. Each establishment will post the certificate of the course and food safety person's name. There are exemptions for farm stands and occasional food service events. All programs offered in New Hampshire are low in cost and able to accommodate people who are unable to read English. There are no financial implications for the state. Vote 15-0.

### Amendment (0479h)

Amend RSA 143-A:9-b, III(d) as inserted by section 5 of the bill by replacing it with the following:

(d) Public schools, private schools, and other food service activities licensed under this chapter that are administered under United States Department of Agriculture child nutrition programs.

**HB 440-FN**, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting. **OUGHT TO PASS.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill requires all forest rangers hired after January 1, 2005 to complete the preparatory training for full-time police officers and that any forest ranger hired before January 1, 2005 be certified as a full time police officer upon successful completion of a preparatory training course. Given the increasing number of incidents of a criminal nature that rangers have encountered over the last 10 years, the committee agreed that this was a reasonable step to take in order to protect the public and the rangers. Vote 14-1.

**HB 221**, removing the requirement that the department of transportation report certain information relative to highway activity to the department of administrative services. **OUGHT TO PASS.**

Rep. Kenneth L. Weyler for Finance: Similar to HB 220, this bill relieves the Department of Transportation (DOT) from doing a separate report to the Department of Administrative Services (DAS) each biennium. The requirement is redundant for DOT as they already do this in the budget phase. It is not as obvious in the other agencies' budgets as to how the highway funds are spent. Therefore, for accountability purposes, the other agencies must continue to make this report. Vote 22-1.

**HB 239-FN-A**, appropriating funds to the barn preservation fund matching grants program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bernard L. Benn for Finance: This bill appropriates \$150,000 to the Barn Preservation Fund established in 1999 as part of the Historic Agricultural Structures Matching Grants Program in RSA 227-C:27-32. This grant program for privately owned properties complements the LCHIP program for public properties. The program has never been funded by the state, however between 2001 and 2003 it received \$88,746 in grant money from the Federal Historic Preserva-

tion Fund of the National Park Service which it leveraged to raise \$128,828 of private matching funds for total of \$217,574 used for restoration of 11 barns. The federal grant money is no longer available in New Hampshire. The program's advisory committee is supported by the NH Division of Historical Resources and the NH Preservation Alliance. It has offered workshops and technical support to over 4,000 residents in over 60 NH communities. There was wide support for the idea of barn preservation in the committee although some would like to clarify the criteria for awarding the matching grants to include some form of "means testing." The committee amended the bill to appropriate \$1.00 to establish a line in the '08-'09 budget which, the testimony suggested, would help the advisory committee solicit contributions and/or gain additional future funding for the preservation program. Vote 24-0.

#### **Amendment (0891h)**

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$1 is appropriated to the division of historical resources, department of cultural resources for each year of the biennium ending June 30, 2009, for the purpose of funding the barn preservation fund established under RSA 227-C:28. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

**HB 419-FN-L**, relative to the cost to counties of convicted inmates awaiting sentencing in a county correctional facility. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter R. Leishman for Finance: This proposed legislation would require the state to reimburse counties for the costs of any inmate incarcerated at a county correctional facility if the inmate is awaiting the completion of a pre-sentencing investigation and their confinement has exceeded 30 days. The committee was unable to determine the financial impact of this proposed legislation on the state or the counties. Vote 24-0.

**HB 433-FN-A**, relative to funding of fish and game department search and rescue operations. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie K. Smith for Finance: This bill calls for a \$200,000 appropriation from the general fund. The committee agrees that the search and rescue work of the Fish and Game Department is important to the state. It is understood that the department is no longer able to continue to operate without any support from the general fund. Members of the Finance, Fish and Game, and Ways and Means Committees are working to devise an overall funding plan to provide essential support to the department. Funding for search and rescue will be part of the plan which will be incorporated into HB 1 and HB 2. Vote 23-1.

**HB 505-FN-A**, relative to enhanced water quality monitoring for lakes and beaches. **INEXPEDIENT TO LEGISLATE.**

Rep. Lynne M. Ober for Finance: This bill defines public beach and public bathing places. The purpose was to provide enhanced water quality monitoring, which is a seasonal activity. However, the bill proposed to hire a full time staff member for the Department of Environmental Services (DES). This staff member would duplicate programming already being done in DES, which currently runs a number of programs where volunteers can be trained in monitoring the quality of water. The committee felt that since this was a seasonal activity, the bill should have hired seasonal employees if additional staff is needed to provide water quality monitoring training and felt that little water quality monitoring efforts are expended during late fall, winter and early spring. Vote 22-1.

**HB 597-FN**, relative to expenditure caps for institutional health facilities under the certificate of need law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Martha McLeod for Finance: The bill as amended raises the capital expenditure threshold whereby acute care facilities have to apply to the Certificate of Need Process from \$1,173,000 to \$2,504,754. This increase is the result of the annual calculation of the inflation index. Vote 23-0.

#### **Amendment (0674h)**

Amend the bill by replacing sections 1 and 2 with the following:

1 Standard Development; Expenditure Cap Changed. Amend RSA 151-C:5, II(a) to read as follows:

(a) The construction, development, expansion, or alteration of any acute care facility requiring a capital expenditure of more than [~~\$1,759,512~~] **\$2,504,754**. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

2 Standard Development; Expenditure Cap Changed. Amend RSA 151-C:5, II(f)(1) to read as follows:

(f)(1) Except as provided in subparagraph (2), the construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than [~~\$1,173,000~~] **\$2,504,754**. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

**HB 623-FN**, establishing a game management account in the fish and game fund and transferring certain other fish and game accounts into the game management account. **OUGHT TO PASS.**

Rep. Robert A. Foose for Finance: As originally reported by the Fish and Game Committee, this bill removes separate dedicated funds for moose, bear, wild turkey, and waterfowl licenses or permits, and transfers the balances in those accounts into a new game management account. The game management fund will allow the Fish and Game Department to expend funds in the best interests of the resource and to the best benefit of all our citizens. The consolidation of the dedicated funds will also reduce administration costs amounting to over \$50,000 per year. Vote 22-0.

**HB 669-FN-A-L**, relative to kindergarten aid and kindergarten construction aid. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie K. Smith for Finance: This bill was based on the theoretical future agreement of all school districts to offer kindergarten. Since the initial funding programs for kindergarten expired, the legislature has agreed to funding new kindergarten programs once school districts voted to establish such programs. The committee proposes to continue that practice and the funds necessary for the five relevant school districts will be included in HB 46. Vote 24-1.

**HB 911-FN-L**, establishing an automated external defibrillator trust fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Martha McLeod for Finance: The original bill established an automated external defibrillator trust fund and made an appropriation to the trust fund. The bill as amended establishes an automated external defibrillator (AED) advisory commission. The intent of the bill is to encourage all schools to obtain and maintain automated external defibrillators at appropriate school locations for the safety and protection of students and others participating in or attending school athletic and related activities. The AED advisory commission would provide leadership, education, coordination, and advocacy throughout the State. The committee heard testimony from people whose lives and been saved because an AED was available as well as from family members of people who may have been saved if an AED had been available for use. Vote 23-0.

#### **Amendment (0924h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing an automated external defibrillator advisory commission.

Amend the bill by replacing all after the enacting clause with the following:

1 Policy and Purpose. Each year, thousands of children and adults die from sudden cardiac arrest while participating in or attending school athletic and related activities. It is the intent of the state of New Hampshire to encourage all schools to obtain and maintain automated external defibrillators at appropriate school locations for the safety and protection of students and others participating in or attending school athletic and related activities.

2 New Chapter; Automated External Defibrillator Advisory Commission Established. Amend RSA by inserting after chapter 195-H the following new chapter:

#### **CHAPTER 195-I**

#### **AUTOMATED EXTERNAL DEFIBRILLATOR ADVISORY COMMISSION**

195-I:1 Declaration of Purpose. It is the intent of the state of New Hampshire to encourage all schools to obtain and maintain automated external defibrillators at appropriate school locations for the safety and protection of students and others participating in or attending school athletic and related activities.

195-I:2 Automated External Defibrillator Advisory Commission Established.

I. There is hereby established an automated external defibrillator advisory commission which shall provide leadership, education, coordination, and advocacy throughout the state to implement the purposes of this chapter.

II. The commission shall consist of the following members:

- (a) The governor, or designee.
- (b) The state treasurer.
- (c) Two members of the house of representatives, one of whom shall be a member of the house education committee, appointed by the speaker of the house of representatives.
- (d) One member of the senate, appointed by the senate president.
- (e) The school nurse consultant of the department of education.
- (f) The bureau chief of the bureau of emergency medical services of the department of safety.
- (g) A physician, nominated by the New Hampshire Medical Society.
- (h) Three public members, one of whom shall have business experience, appointed by the governor.
- (i) One member from the New Hampshire Interscholastic Athletic Association, appointed by such association.

III. The commission shall:

- (a) Meet at regular times as determined by the commission.
- (b) Review state policies to ensure the achievement of the purposes and policies of this chapter.
- (c) Review and provide coordination strategies for public and private sector efforts and agencies to raise and appropriate funds to ensure the achievement of the purposes and policies of this chapter.
- (d) Establish accounts, and accept and administer grants, donations, and other funds received by the commission to achieve the purposes and policies of this chapter.
- (e) Publish studies and reports, and hold public seminars and educational events, regarding the need to obtain and maintain automated external defibrillators at appropriate school locations for the safety and protection of students and others participating in or attending school athletic and related activities.
- (f) Enter into agreements with state departments or agencies, and private sector organizations and persons, as it deems necessary, to implement and further the policies and purposes of this chapter.
- (g) Advise the general court on legislative initiatives that would further the purposes and policies of this chapter.
- (h) Perform any other tasks it deems necessary for achieving the purposes and policies of this chapter.

IV. Members of the commission shall serve without compensation, except that legislative members shall receive mileage at the legislative rate while attending to the duties of the commission.

V. The commission shall keep written records of all its proceedings.

VI. No member of the commission shall have any personal financial interest in the work of the commission.

VII. Members of the commission shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this subdivision.

195-I:3 Power to Accept and Disburse Gifts and Donations. The commission shall have the authority to solicit and receive gifts or donations of any kind, and to disburse such funds to such persons as shall be determined by the commission, to achieve the purposes and policies of this chapter. Notwithstanding any provision of law to the contrary, the commission may accept gifts and donations including, but not limited to, cash gifts and real or personal property, and make disbursements of such funds as shall be determined by the commission without the approval of the governor and council.

195-I:4 Rulemaking. The automated external defibrillator advisory commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The administration, management, and procedures of the commission.

II. Procedures for determining the disbursement of any gifts and donations among schools and school districts throughout the state.

III. Any other issue which the commission deems relevant to the implementation and administration of the policies and purposes of this chapter.

195-I:5 Report. By November 1 of each year, the commission shall prepare a report regarding the status of the commission's work, including specific reports on the progress of the effort to ensure

that all schools obtain and maintain automated external defibrillators at appropriate school locations for the safety and protection of students and others participating in or attending school athletic and related activities. Such report shall be submitted to the president of the senate, the speaker of the house of representatives, the governor, and the state library, and shall be posted to the state government's Internet website.

3 Effective Date. This act shall take effect July 1, 2007.

### AMENDED ANALYSIS

This bill establishes an automated external defibrillator advisory commission.

**HB 862-FN**, establishing an incapacitated adult fatality review committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: This was a second committee referral on a bill to establish a permanent committee to address issues concerning fatalities among incapacitated adults. The Judiciary Committee amended the bill to clarify the language and intent, but otherwise embraced the intent of the bill and left it untouched substantively. Vote 13-0.

### Amendment (1145h)

Amend RSA 21-M:16, II-III as inserted by section 1 of the bill by replacing it with the following:

II. The attorney general shall appoint members and alternate members to the committee. The members of the committee shall include individuals representing the health care field, organizations with expertise in services provided to incapacitated adults, law enforcement, organizations or individuals who advocate for or provide legal representation for incapacitated adults, and such other members as the attorney general determines will assist the committee in fulfilling its objectives. The terms of the members shall be 3 years; provided, that the initial members shall be appointed to staggered terms. Members shall serve at the pleasure of the attorney general.

III. The committee shall:

- (a) Recommend policies, practices, and services that will promote collaboration among service providers for, and reduce preventable fatalities among, incapacitated adults.
- (b) Evaluate policies, practices, interventions and responses to fatalities among incapacitated adults and offer recommendations for any improvements in those interventions and responses.
- (c) Determine and report on trends and patterns of incapacitated adult deaths in New Hampshire.
- (d) Evaluate and report on high risk factors, current practices, gaps in systematic responses, and barriers to safety and well-being for incapacitated adults in New Hampshire.
- (e) Educate the public, policy makers, and budget authorities about fatalities involving covered incapacitated adults.
- (f) Recommend improvements in the sources of data relative to preventing fatalities among incapacitated adults.
- (g) Identify and evaluate the prevalence of risk factors for preventable deaths in the population of incapacitated adults.

Amend RSA 21-M:16, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The committee shall make an annual report, on or before the first day of November each year, beginning on November 1, 2008, to the speaker of the house of representatives, the president of the senate, and the governor describing any trends and patterns of deaths or serious injuries or risk factors, together with any recommendations for changes in law, policy, and practice that will prevent deaths and related serious occurrences. The committee may also issue special reports when doing so is necessary to alert authorities or the public to the need for prompt corrective action.

Amend the bill by replacing section 2 with the following:

#### 2 Executive Committee Established.

I. There is established an executive committee to recommend to the attorney general the membership of the incapacitated adult fatality review committee established in RSA 21-M:16 as inserted by section 1 of this act. All executive committee members shall also be members of the incapacitated adult fatality review committee established pursuant to RSA 21-M:16.

II. The members of the executive committee shall be appointed by the attorney general and shall be follows:

- (a) Two representatives of the department of health and human services, nominated by the commissioner of the department of health and human services.



- (b) Two representatives of the attorney general's office.
- (c) One representative of the Disabilities Rights Center, nominated by the center.
- (d) The chief medical examiner, or designee.
- (e) A representative of the New Hampshire Medical Society, nominated by the society.
- (f) One representative of law enforcement.

III. Members shall be appointed within 30 days of the effective date of this section and the first meeting shall be within 45 days of the effective date of this section.

IV. The executive committee shall make a report to the attorney general recommending the membership of the incapacitated adult fatality review committee on or before November 1, 2007.

**HB 183-FN-A-L**, relative to the acquisition of a certain tract of land in the towns of Peterborough, Sharon, and Temple as a state reservation, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: This bill was referred to Public Works and Highways after the policy had been passed by the House. Since the sponsors filed the bill at the start of the session, the Governor has included funding for the purchase of Temple Mountain in his Capital Budget request. The committee feels that the Capital Budget is the proper vehicle for the bonding of any monies required for the purpose of real estate purchases. Vote 16-0.

**HB 337**, relative to penalties for failure to have workers' compensation coverage and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William A. Hatch for Ways and Means: This bill changes the civil penalty and penalty assessment period for an employer who is in non-compliance with the workers' compensation law. This bill also changes the amount of the civil penalty assessed on an insurance carrier for failure to file notice of coverage and also establishes a special fund into which some of the civil penalties are deposited to support enforcement. After hearing much testimony from the Department of Labor and construction interests, the committee voted unanimously to pass as amended. The committee amendment changed the penalties from an absolute fine to allow the department to reduce penalties when they found it appropriate. Vote 16-0.

#### **Amendment (1133h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Liability of Employer Failing to Comply; Penalty Assessment Period Changed; Fund Established. RSA 281-A:7, I is repealed and reenacted to read as follows:

I.(a)(1) After a hearing, an employer subject to this chapter who knowingly fails to comply with the provisions of RSA 281-A:5 by not securing payment of compensation may be assessed a civil penalty of up to \$2,500; in addition, such an employer may be assessed a civil penalty of up to \$100 per employee for each day of noncompliance. The penalties shall be assessed from the first day of the infraction not to exceed one year. Notwithstanding any provision of law to the contrary, the chief executive officer, chief financial officer, and the manager of limited liability companies shall be held personally liable for the payment of penalties for knowingly failing to obtain workers' compensation coverage in compliance with this chapter.

(2) There is hereby established a nonlapsing workers' compensation fraud fund in the office of the state treasurer. All funds collected under subparagraph I(a)(1) shall be deposited in such fund and continually appropriated to the commissioner of labor to be used for investigations and compliance activities required under this subparagraph and related sections pertaining to labor and insurance law. Any amounts over \$400,000 in the fund shall lapse into the general fund on June 30 of each year.

(b) An insurance carrier which insures an employer and fails to file with the commissioner a notice of coverage within a reasonable period of time as prescribed by rule shall be assessed a civil penalty of up to \$50 for each day of noncompliance. The commissioner shall deposit all moneys collected under this subparagraph with the state treasurer for deposit into the general fund.

2 Report. The commissioner of the department of labor shall make a report relative to the effectiveness of the fund established in RSA 281-A:7, I(a)(2) as inserted by section 1 of this act, together with any recommendations for legislation, to the speaker of the house of representatives, the president of the senate, and the governor on or before November 1, 2010.

3 Administration Fund; Reference Change. Amend RSA 281-A:59, IV to read as follows:

IV. The civil penalties collected under RSA 281-A:7, **I(b)**, 23, 24, 42, 43, and 53 shall be forwarded to the state treasurer and deposited in the general fund.

4 New Subparagraph; Workers' Compensation Fraud Fund. Amend RSA 6:12, I by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the workers' compensation fraud fund established in RSA 281-A:7, I(a)(2).

5 Liability of Employer Failing to Comply; Penalty Assessment. RSA 281-A:7, I(a)(2) is repealed and reenacted to read as follows:

(2) All funds collected under subparagraph I(a)(1) shall be deposited into the general fund.

6 Repeal. RSA 6:12, I(253) relative to the workers' compensation fraud fund is, repealed.

7 Effective Date.

I. Sections 5 and 6 of this act shall take effect July 1, 2011.

II. The remainder of this act shall take effect 30 days after its passage.

#### AMENDED ANALYSIS

This bill:

I. Changes the penalty assessment period for an employer who is in noncompliance with the workers' compensation law.

II. Changes the amount of the civil penalty assessed on an insurance carrier for failure to file notice of coverage.

III. Establishes a special fund into which some of the civil penalties are to be deposited.

IV. Repeals the special fund in 2011 at which time the civil penalties shall go to the general fund.

**HB 471-FN-A**, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jordan G. Ulery for Ways and Means: After thorough examination of the fines section, consultation with the commissioner's office, consultation with the AG's office and receiving definitions from the Supreme Court Law Library, the committee modified language to assure due process (hearings) for employers who knowingly fail to provide workers' compensation coverage to their employees. The committee concurs with the policy committee on the fine structure. Increased participation should reduce the cost per dollar of payroll insurance premiums. Also established is a non-lapsing fraud fighting fund with sunset provisions. Vote 14-0.

#### Amendment (1149h)

Amend RSA 228:4-b, III and IV as inserted by section 2 of the bill by replacing it with the following:

III. After a hearing, the commissioner of labor may assess any contractor, subcontractor, or independent contractor who knowingly falsifies information or fails to comply with this section a civil penalty of up to \$2,500 and in addition, such an employer shall be assessed a civil penalty of up to \$100 per employee per day of noncompliance. The chief executive officer, chief financial officer, and members of limited liability companies shall be held personally liable for the payment of fines and such contractor, subcontractor, or independent contractor shall not be allowed to bid or work on state projects for up to 5 years. The state shall be entitled to recover from the violator all costs and fees directly associated with uncovering falsified information supplied under this section.

IV. There is hereby established a nonlapsing workers' compensation fraud fund in the office of the state treasurer. All funds collected under this section shall be deposited in such fund and continually appropriated to the commissioner of labor to be used for investigations and compliance activities required under this section and related sections pertaining to labor and insurance law. Any amounts over \$400,000 in the fund shall lapse to the general fund on June 30 of each year.

Amend RSA 21-I:80, VI(c) as inserted by section 3 of the bill by replacing it with the following:

(c) After a hearing, the commissioner of labor may assess any contractor, subcontractor, or independent contractor who knowingly falsifies information or fails to comply with this section a civil penalty of up to \$2,500 and in addition, such an employer shall be assessed a civil penalty of up to \$100 per employee per day of noncompliance. The chief executive officer, chief financial officer, and members of limited liability companies shall be held personally liable for the payment of fines and such contractor, subcontractor, or independent contractor shall not be allowed to bid or work on state projects for up to 5 years. The state shall be entitled to recover from the violator all costs and fees directly associated with uncovering falsified information supplied under this section.

Amend the bill by replacing all after section 5 with the following:

6 Report. The commissioner of the department of labor shall make a report relative to the effectiveness of the fund established in RSA 228:4-b, IV as inserted by section 2 of this act, together with any recommendations for legislation, to the speaker of the house of representatives, the president of the senate, and the governor on or before November 1, 2010.

7 Workers' Compensation Fraud Fund. RSA 228:4-b, IV is repealed and reenacted to read as follows:

IV. All funds collected under this section shall be deposited into the general fund.

8 Workers' Compensation Fund. RSA 21-I:80, VI(d) is repealed and reenacted to read as follows:

(d) All funds collected under this paragraph shall be deposited into the general fund.

9 Repeal. RSA 6:12, I (b)(253), relative to the workers' compensation fraud fund, is repealed.

10 Effective Date.

I. Sections 7-9 of this act shall take effect July 1, 2011.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill requires that all contractors, including subcontractors and independent contractors, provide certification of their workers' compensation coverage and compliance with all applicable workers' compensation safety provisions before beginning work on state transportation or public works projects. This bill establishes a special fund which is repealed in 2011.

**HB 714-FN**, relative to motorized watercraft rental agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gilman C. Shattuck for Ways and Means: This bill requires motorized watercraft rental agencies to register with the Department of Safety. Such rental agencies are presently required to provide written instructions to renters to ensure safe operation of rental watercraft. Some agencies do not properly educate their renters, creating a danger on the water. The bill as amended allows the department to close down a rental agency if it continues to refuse to comply. The fees generated by this bill as amended will only cover the costs of this registration. Vote 15-0.

### Amendment (0219h)

Amend the bill by replacing all after the enacting clause with the following:

1 Boating Safety Checklist; Instructions. Amend RSA 270-D:2-c, I to read as follows:

I. No person shall rent a vessel for operation on any waters of this state, including tidal and coastal waters and all inland waters, unless the rental operator initials a rental safety checklist, prepared by the department of safety, which certifies the rental operator's knowledge of boating safety laws *and which certifies that the rental operator possesses a safe boater education certificate or its equivalent. In addition, no person shall rent or lease any motorized watercraft to another person without providing the renter or lessee with written instructions on operating the watercraft in accordance with New Hampshire law, and reviewing with the renter or lessee such written instructions and the guidelines on New Hampshire navigation laws provided by the division.*

2 New Subdivision; Regulation of Rental Agents. Amend RSA 270-E by inserting after section 23 the following new subdivision:

Regulation of Rental Agents

270-E:24 Rental Agent Registration; Fees.

I. Any person renting or leasing motorized watercraft shall register as a rental agent with the department. Applications for registration shall include the name of the applicant, including any additional names under which the applicant may be doing business, the address or addresses of the applicant and rental locations, the vessel registration numbers of all watercraft available for rent or lease, and the fees required by this section. Upon receiving the completed application for registration, the department shall issue the applicant a rental agent safety certificate.

II. The registration fee for rental agents shall be \$25, which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

III. All rental agency safety certificates shall expire on December 31 of the year in which they are issued.

270-E:25 Prohibitions; Penalties.

I. No person shall:

(a) Rent or lease any motorized watercraft to any other person without having a rental agent safety certificate. This subparagraph shall not apply to the use of any motorized watercraft which is included in the rental or lease of real property.

(b) Rent or lease any motorized watercraft to any other person without complying with the requirements of RSA 270-D:2-c.

(c) Rent or lease any motorized watercraft that is unsafe to any other person.

II. Any person violating subparagraph I(a) shall be guilty of a violation for a first or second offense committed within the same calendar year and guilty of a misdemeanor for any subsequent offense committed within the same calendar year.

III. The commissioner may revoke the rental agent safety certificate upon finding that the certificate holder has violated subparagraph I(b) or I(c).

3 Effective Date. This act shall take effect January 1, 2008.

### REGULAR CALENDAR

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie K. Smith for the Majority of Finance: While HB 1-A follows long-standing practice of the general court, there are some significant changes which received strong bi-partisan support in the committee. Our first goal was to increase transparency and accountability. Acting on house policy established in HB 558, this bill reflects the elimination of the Education Trust Fund. The creation of the fund was a public relations gimmick to have the public think that money was being put away to pay for education. The reality is that the state has a constitutional obligation to pay its share of education and it doesn't matter if there is money in something called an education trust fund. No matter what, the State must pay its share. Eliminating the fund makes it possible for people to understand the real financial picture of the State. The Committee broke down some of the budget lines which were the largest - with millions and millions of dollars - into smaller units so that we can understand the difference between, for example, nursing care and home health care. The current practice has been not to include potential grants in the budget and instead, if a grant was received, the agency would come to the 10 person Fiscal Committee for permission to expend those funds. In this budget we required agencies to include grants for which they intend to apply, even if they have not yet been granted the funds. Now, 424 members of the House and Senate will have the opportunity to vote on these projects. One result is that while this does not increase the final adjusted authorized total, it does increase the number in the budget. We removed all back-of-the budget cuts with the exception of Health and Human Services. Past practice has been for the legislature to appropriate funds to an agency but then, when one gets to the end of the story, require that a specified amount of those appropriated funds be returned to the coffers. It might look as if the agency was getting permission to spend \$1 when in fact they could spend only 90 cents. We changed the way we report expenditures for retirement and for retirees' health insurance, laying the ground work for us to comply with government accounting standards in the future and easing the task of the legislature and the public to understand how much we are spending for these purposes. Understanding that investing in prevention, early intervention and treatment saves money in the long run in direct and related costs we added \$4 million for New Hampshire's Comprehensive Cancer Plan, added \$6 million for alcohol and other drug treatment and prevention, and added \$2.2 million in general funds (matched by federal funds) to provide direct and indirect medical education payments for teaching hospitals. Regularly the budgets have under-funded the Judicial Council budget for public defenders and the Department of Corrections' budget for medical and dental care, knowing that we are required to pay for these services and that, therefore, the agencies will come before the Fiscal Committee to ask for and be granted additional funds. As part of our "truth in budgeting" commitment this budget provides \$5 million more to the Judicial Council which will permit them to increase the pay for public defenders (although they will still be \$20,000 below the comparable pay for attorneys in the Justice Department). We hope this will help to recruit and retain competent attorneys so that the state does not have to hire contractual lawyers at a much higher rate. In addition, we added funds to close the gap between what the Department of Corrections will need and what we budget for medical and dental care. Our third goal was to strengthen and maintain existing programs. We provided essential funds for Fish and Game to continue its operation while we wait for the results of the performance audit to help guide any

necessary reorganization. We continued our efforts to re-direct highway funds back to the Department of Transportation where they can be used for the purposes they were intended. We tried, without success, to end a continuing conflict between the counties and the state, but we did take the opportunity to save the counties half a million dollars each year by taking over the cost of autopsies. The budget provides additional funds to build the infra-structure necessary to meet the needs of the developmentally disabled who now are marking time on a waiting list. We provided some additional funding for the Community and Technical Colleges and the University System of New Hampshire to help them carry out their responsibilities in educating those who will build and maintain the future economy of the State. We honored the Governor's request for education funding by adding \$62 million more for distribution to cities and towns, and we added funds for charter schools. We created a designated fund to support the work of LCHIP. The total of this budget for the biennium is \$10.38 billion dollars, of which \$4.8 billion are general funds (including what had formerly been in the education trust fund). The total amount is approximately \$178 million more than the Governor's budget. About \$62 million of the difference can be accounted for by the Governor's subsequent request to increase education funding. A significant portion of the remaining increase comes from the truth in budgeting changes noted above including the Judicial Council, the Justice Department, the Department of Corrections and potential federal funds, increases that in the past were part of the work of the Fiscal Committee rather than the full legislature. In the last three years the 12 month percent change in CPI were 3.5, 3.6 and 3.6, or something over 11% compounded. The revenue estimates produced by the House for many years have been significantly lower than those passed out of the committee of conference which have, in turn, been lower than the actual revenues. The Ways and Means Committee had the benefit of key business and insurance revenues being reported in March which, together with national sectorial forecasts and a good understanding of the auditing process ramping up in the Department of Revenue Administration, allowed the committee to increase certain revenue estimates to levels closer to where they are likely to end up in June after the committee of conference. The Finance Committee would like to thank Representative Almy and the Ways and Means Committee for their hard work, dedication and cooperation. In accordance with RSA 9:8-B, and despite other claims, there is no bonding in this bill. Vote 15-10.

Rep. Neal M. Kurk for the Minority of Finance: The greater "transparency" of the majority's budget cannot hide the fact that it is not in the best interests of the people of New Hampshire. At more than \$10 billion, it is the biggest budget in New Hampshire's history. It represents a 16% increase in general funds, an amount far in excess of the 3% annual rate of inflation and significantly higher than the average budget increase of the past two decades. This rate of growth is unsustainable; it puts an undue burden on our constituents who must pay for this high level of spending with the over \$158 million in increased taxes and fees mandated through the trailer bill. Despite these additional taxes and fees, the majority's budget is unbalanced. It relies on revenue estimates that are inflated by \$81 million, estimates produced by a Ways and Means Committee which for the first time in many years was unable to produce a consensus forecast. Finally the capital budget relies on \$60 million in borrowing to pay for state bridge repairs and replacements that have always been funded on a "pay as you go" basis from highway funds in the operating budget. A New York City-style "borrow and spend" policy has no place in the responsible budgeting tradition of this state. The minority acknowledges that there are many good things funded in this budget, but the minority is steadfast in its view that, since this budget does not meet our statutory requirement that it be balanced, it should not be supported.

### **Majority Amendment (1195h)**

This amendment was printed in its entirety in House Record No. 27, April 6, 2007 and is made part of this Journal by reference.

Reps. Wendelboe, Stepanek and Mark Clark spoke against.

Rep. Marjorie Smith spoke in favor and yielded to questions.

Rep. Whalley requested a roll call; sufficiently seconded.

**YEAS 210 NAYS 148**

**YEAS 210  
BELKNAP**

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Parkhurst, Henry  
Robertson, Timothy

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Sad, Tara

Butcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Richardson, Barbara  
Weber, Lucy

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

**COOS**

Hatch, William  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

**GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
Matheson, Robert  
Pierce, David

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Preston, Philip

Andersen, Gene  
Estes, Carole  
Laliberte, Suzanne  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Daler, Jennifer  
Forest, Armand  
Gorman, Mary  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Rochette, Eric  
Shaw, Barbara  
Sullivan, Francis

Beaulieu, Jane  
Chase, Claudia  
Edwards, Andrew  
Foster, Linda  
Hackel, Paul  
Harvey, Suzanne  
Judy, Jean  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily  
O'Neil, James  
Rosenwald, Cindy  
Smith, David  
Sysyn, Mary

Beck, Catriona  
Clemons, Jane  
Essex, David  
Garrity, Patrick  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
Messier, Irene  
Pilotte, Maurice  
Schulze, Joan  
Spratt, Stephen  
Velez, Hector

Brunelle, Michael  
Cote, David  
Fontas, Jeffrey  
Goley, Jeffrey  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
Movsesian, Lori  
Reuschel, Michael  
Shattuck, Gilman  
Sullivan, Daniel

**MERRIMACK**

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kelly, Sally  
Potter, Frances  
Shurtliff, Stephen  
Walz, Mary  
Yeaton, Charles

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Bouchard, Candace  
Davis, Frank  
Foote, Robert  
Hager, Elizabeth  
McMahon, Patricia  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

**ROCKINGHAM**

Abbott, Dennis  
Casey, Kimberley  
Henson, John  
Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Snow, Richard

Borden, David  
Day, Judith  
Howard, Doreen  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Splaine, James

Brown, C. Pennington  
Flockhart, Eileen  
Kelley, Jane  
McCarthy, Linda  
Moore, Bennett  
Preston, Mark

Cali-Pitts, Jacqueline  
Grote, Otto  
Kennedy, James  
McGuirk, Thomas  
Nord, Susi  
Russell, Trinkia

**STRAFFORD**

Berube, Roger  
Brown, Larry  
Domingo, Baldwin  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Billian, Deborah  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith

Brennan, William  
Cyr, James  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Brown, Julie  
DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

**NAYS 148****BELKNAP**

Allen, Janet  
Heald, Bruce  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Millham, Alida  
Thomas, John  
Whalley, Michael

Clark, Charles  
Nedeau, Stephen  
Tilton, Franklin

Flanders, Donald  
Pilliod, James  
Tobin, William

**CARROLL**

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Morrow, Harry

Denley, William  
Patten, Betsey

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

**COOS**

King, Frederick

Remick, William

Tholl, John Jr

**GRAFTON**

Bulis, Lyle  
Sorg, Gregory

Dingman, Vernon III  
Williams, Burton

Eaton, Stephanie

Gionet, Edmond

**HILLSBOROUGH**

Barry, Richard  
Christensen, Chris  
Crane, Elenore Casey  
Drisko, Richard  
Graham, John  
Hinkle, Peyton  
Kurk, Neal  
Manney, Pamela  
O'Connell, Timothy  
Price, Pamela  
Soucy, Connie  
Ulery, Jordan

Batula, Peter  
Christiansen, Lars  
Daniels, Gary  
Emerton, Larry  
Haefner, Robert  
Hogan, Edith  
L'Heureux, Robert  
McRae, Karen  
Ober, Lynne  
Reeves, Sandra  
Spaulding, Jayne  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Clark, Mark  
Day, Russell  
Fletcher, Richard  
Hansen, Ryan  
Hunter, Bruce  
Lawrence, James  
Mooney, Maureen  
Ober, Russell III  
Renzullo, Andrew  
Stepanek, Stephen  
Villeneuve, Maurice

Bergin, Peter  
Coughlin, Pamela  
Dokmo, Cynthia  
Gargas, Carolyn  
Hawkins, Ken  
Jasper, Shawn  
Lessard, Rudy  
Moran, Edward  
Peterson, Andy  
Rowe, Robert  
Tahir, Saghir  
Winters, Joel

**MERRIMACK**

Anderson, Eric  
Lockwood, Priscilla

Hess, David  
MacKay, James

Humphries, Charlie  
Reed, Dennis

Kidder, David

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David

Baldasaro, Alfred  
Buxton, Donald

Bedrick, Jason  
Camm, Kevin

Belanger, Ronald  
Carson, Sharon

Case, Frank  
DiFruscia, Anthony  
Fesh, Bob  
Garrity, James  
Headd, James  
Introne, Robert  
Katsakiores, George  
McKinney, Betsy  
Priestley, Anne  
Reagan, John  
Weare, Everett  
Wickson, Rick

Charron, Gene  
Dumaine, Dudley  
Flanders, John Sr  
Gould, Kenneth  
Hopfgarten, Paul  
Itse, Daniel  
Katsakiores, Phyllis  
Moore, Benjamin  
Quandt, Marshall  
Sanders, Elisabeth  
Welch, David  
Winchell, George

Dalrymple, David  
Elliott, Robert  
Forsing, Robert  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Robert  
Lund, Howie  
Nowe, Ronald  
Quandt, Matthew  
Stiles, Nancy  
Wells, Roger

Devine, James  
Emiro, Frank  
Garcia, Marilinda  
Guthrie, Joseph  
Ingram, Russell  
Kappler, Lawrence  
Major, Norman  
Packard, Sherman  
Rausch, James  
Waterhouse, Kevin  
Weyler, Kenneth

## STRAFFORD

Watson, Robert

## SULLIVAN

Ferland, Brenda Rodeschin, Beverly  
and the majority committee amendment was adopted.  
Rep. Major offered floor amendment (1218h).

### Floor Amendment (1218h)

Amend the bill by replacing section 13 with the following:

13 Estimates of Unrestricted Revenue.

<u>GENERAL FUND</u>	<u>FY 2008</u>	<u>FY 2009</u>
Business Profits Tax	\$ 339,300,000	\$ 359,500,000
Business Enterprise Tax	276,600,000	283,100,000
Subtotal for the Business taxes	\$ 615,900,000	\$ 642,600,000
State Wide Property Tax	363,000,000	363,000,000
Meals and Rooms Tax	222,600,000	234,800,000
Tobacco Tax	215,800,000	209,500,000
Real Estate Transfer Tax	140,000,000	144,200,000
Liquor Sales & Distribution	135,000,000	143,100,000
Interest and Dividends	95,400,000	100,100,000
Insurance Tax	91,700,000	92,500,000
Communications Tax	74,700,000	77,500,000
Other	70,300,000	74,700,000
Tobacco Settlement	48,300,000	49,100,000
Securities Revenue	33,000,000	34,000,000
Court Fines and Fees	31,000,000	31,500,000
Utility Property Tax	22,900,000	23,600,000
Board and Care	16,000,000	16,400,000
Beer Tax	12,800,000	12,900,000
Utility Consumption Tax	6,400,000	6,600,000
Horse and Dog Racing	3,000,000	3,000,000
Estate and Legacy Tax	100,000	100,000
Subtotal	\$ 2,197,900,000	\$ 2,259,200,000
Medicaid Enhancement Tax	91,000,000	91,800,000
Medicaid Recoveries	14,100,000	14,600,000
Total	\$ 2,303,000,000	\$ 2,365,600,000
<u>HIGHWAY FUND</u>	<u>FY 2008</u>	<u>FY 2009</u>
Gasoline Road Toll	\$ 137,900,000	\$ 139,900,000
Motor Vehicle Fees	103,800,000	105,400,000
Miscellaneous	13,600,000	13,700,000
Total	\$ 255,300,000	\$ 259,000,000



**FISH AND GAME FUND**

	<u>FY 2008</u>	<u>FY 2009</u>
Fish and Game Licenses	\$ 8,300,000	\$ 8,300,000
Fines and Penalties	145,000	145,000
Miscellaneous Sales	480,000	480,000
Indirect Costs	875,000	875,000
Total	<u>\$ 9,800,000</u>	<u>\$ 9,800,000</u>

Rep. Almy spoke against and yielded to questions.

Reps. Weyler and Vaillancourt spoke in favor.

Rep. Major spoke in favor and yielded to questions.

Rep. Whalley requested a roll call; sufficiently seconded.

**YEAS 152 NAYS 213****YEAS 152****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Merrow, Harry	Patten, Betsey
Stevens, Stanley			

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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**COOS**

King, Frederick	Remick, William	Toll, John Jr
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**GRAFTON**

Bulis, Lyle	Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond
Ingretson, Paul	Sorg, Gregory	Williams, Burton	

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Fletcher, Richard	Gargas, Carolyn
Graham, John	Haefner, Robert	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Holden, Randolph	Hunter, Bruce
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mooney, Maureen	Moran, Edward	O'Connell, Timothy	Ober, Lynne
Ober, Russell III	Peterson, Andy	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Soucy, Connie	Spaulding, Jayne
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Winters, Joel		

**MERRIMACK**

Anderson, Eric	Hess, David	Humphries, Charlie	Kidder, David
Lockwood, Priscilla	MacKay, James	Reed, Dennis	

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Buxton, Donald	Camm, Kevin	Carson, Sharon

Case, Frank  
DiFruscia, Anthony  
Fesh, Bob  
Garrity, James  
Headd, James  
Introne, Robert  
Katsakiores, George  
McKinney, Betsy  
Pearson, Mark  
Rausch, James  
Waterhouse, Kevin  
Weyler, Kenneth

Charron, Gene  
Dumaine, Dudley  
Flanders, John Sr  
Gould, Kenneth  
Hopfgarten, Paul  
Itse, Daniel  
Katsakiores, Phyllis  
Moore, Benjamin  
Priestley, Anne  
Reagan, John  
Weare, Everett  
Wickson, Rick

Dalrymple, David  
Elliott, Robert  
Forsing, Robert  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Robert  
Lund, Howie  
Nowe, Ronald  
Quandt, Marshall  
Sanders, Elisabeth  
Welch, David  
Winchell, George

Devine, James  
Emiro, Frank  
Garcia, Marilinda  
Guthrie, Joseph  
Ingram, Russell  
Kappler, Lawrence  
Major, Norman  
Packard, Sherman  
Quandt, Matthew  
Stiles, Nancy  
Wells, Roger

## STRAFFORD

Brown, Julie

## SULLIVAN

Ferland, Brenda

Rodeschin, Beverly

## NAYS 213 BELKNAP

Arsenault, Beth

Reever, Judith

## CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

## CHESHIRE

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Parkhurst, Henry  
Robertson, Timothy

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Sad, Tara

Butcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Richardson, Barbara  
Weber, Lucy

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

## COOS

Hatch, William  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

## GRAFTON

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
Matheson, Robert  
Pierce, David

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Preston, Philip

Andersen, Gene  
Estes, Carole  
Laliberte, Suzanne  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

## HILLSBOROUGH

Baroody, Benjamin  
Campbell, David  
Daler, Jennifer  
Forest, Armand  
Gorman, Mary  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Matarazzo, Anthony Sr

Beaulieu, Jane  
Chase, Claudia  
Edwards, Andrew  
Foster, Linda  
Hackel, Paul  
Harvey, Suzanne  
Judy, Jean  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily

Beck, Catriona  
Clemons, Jane  
Essex, David  
Garrity, Patrick  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
Messier, Irene

Brunelle, Michael  
Cote, David  
Fontas, Jeffrey  
Goley, Jeffrey  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
Movsesian, Lori

O'Brien, Michael Sr  
Rochette, Eric  
Shaw, Barbara  
Sullivan, Daniel

O'Neil, James  
Rosenwald, Cindy  
Simon, Anthony  
Sullivan, Francis

Pilotte, Maurice  
Schulze, Joan  
Smith, David  
Sysyn, Mary

Reuschel, Michael  
Shattuck, Gilman  
Spratt, Stephen  
Velez, Hector

### MERRIMACK

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kelly, Sally  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
McMahon, Patricia  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
Casey, Kimberley  
Henson, John  
Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Snow, Richard

Borden, David  
Day, Judith  
Howard, Doreen  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Splaine, James

Brown, C. Pennington  
Flockhart, Eileen  
Kelley, Jane  
McCarthy, Linda  
Moore, Bennett  
Preston, Mark

Cali-Pitts, Jacqueline  
Grote, Otto  
Kennedy, James  
McGuirk, Thomas  
Nord, Susi  
Russell, Trinkia

### STRAFFORD

Berube, Roger  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Billian, Deborah  
Cyr, James  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Brennan, William  
DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brown, Larry  
Domingo, Baldwin  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen  
and floor amendment (1218h) failed.

Converse, Larry  
Gottling, Suzanne  
Phinzy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

The question now being adoption of the majority committee report of Ought to Pass with Amendment.  
Reps. Tobin and Kurk spoke against.  
Rep. Marjorie Smith spoke in favor.  
Rep. Lynne Ober requested a roll call; sufficiently seconded.

**YEAS 208 NAYS 158**

### YEAS 208 BELKNAP

Arsenault, Beth

Reever, Judith

### CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

### CHESHIRE

Allen, Peter  
Butynski, William

Burridge, Delmar  
Chase, William

Butcher, Suzanne  
Dunn, J. Timothy

Butterworth, Timothy  
Eaton, Daniel

Espiefs, Peter  
Parkhurst, Henry  
Robertson, Timothy

Lerandeau, Alfred  
Plifka, Stanley Jr  
Sad, Tara

Loll, Thomas  
Richardson, Barbara  
Weber, Lucy

Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

### COOS

Hatch, William

Mears, Edgar

Theberge, Robert

Thomas, Yvonne

### GRAFTON

Aguiar, James  
Bleyler, Ruth  
Hammond, Lee  
Matheson, Robert  
Pierce, David

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Preston, Philip

Andersen, Gene  
Estes, Carole  
Laliberte, Suzanne  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

### HILLSBOROUGH

Baroody, Benjamin  
Campbell, David  
Daler, Jennifer  
Forest, Armand  
Hackel, Paul  
Harvey, Suzanne  
Jeudy, Jean  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily  
O'Neil, James  
Rosenwald, Cindy  
Shaw, Kimberly  
Sullivan, Francis

Beaulieu, Jane  
Chase, Claudia  
Edwards, Andrew  
Foster, Linda  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
Messier, Irene  
Pilotte, Maurice  
Schulze, Joan  
Smith, David  
Sysyn, Mary

Beck, Catriona  
Clemmons, Jane  
Essex, David  
Garrity, Patrick  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
Movsesian, Lori  
Reuschel, Michael  
Shattuck, Gilman  
Spratt, Stephen  
Velez, Hector

Brunelle, Michael  
Cote, David  
Fontas, Jeffrey  
Goley, Jeffrey  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Rochette, Eric  
Shaw, Barbara  
Sullivan, Daniel

### MERRIMACK

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kelly, Sally  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

### ROCKINGHAM

Abbott, Dennis  
Casey, Kimberley  
Henson, John  
Kepner, Susan  
Moore, Bennett  
Preston, Mark

Borden, David  
Day, Judith  
Howard, Doreen  
Marsh, Michael  
Nord, Susi  
Russell, Trinka

Brown, C. Pennington  
Flockhart, Eileen  
Kelley, Jane  
McCarthy, Linda  
Pantelakos, Laura  
Snow, Richard

Cali-Pitts, Jacqueline  
Grote, Otto  
Kennedy, James  
Moody, Marcia  
Powers, James  
Splaine, James

### STRAFFORD

Berube, Roger  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Billian, Deborah  
Cyr, James  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Brennan, William  
DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brown, Larry  
Domingo, Baldwin  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

**NAYS 158****BELKNAP**

Allen, Janet  
Heald, Bruce  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Millham, Alida  
Thomas, John  
Whalley, Michael

Clark, Charles  
Nedeau, Stephen  
Tilton, Franklin

Flanders, Donald  
Pilliod, James  
Tobin, William

**CARROLL**

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Morrow, Harry

Denley, William  
Patten, Betsey

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

**COOS**

King, Frederick  
Tholl, John Jr

Merrick, Evalyn

Merrick, Scott

Remick, William

**GRAFTON**

Bulis, Lyle  
Ingbreton, Paul

Dingman, Vernon III  
Sorg, Gregory

Eaton, Stephanie  
Williams, Burton

Gionet, Edmond

**HILLSBOROUGH**

Barry, Richard  
Christensen, Chris  
Crane, Elenore Casey  
Drisko, Richard  
Gorman, Mary  
Hawkins, Ken  
Hunter, Bruce  
L'Heureux, Robert  
McRae, Karen  
Ober, Lynne  
Reeves, Sandra  
Soucy, Connie  
Ulery, Jordan

Batula, Peter  
Christiansen, Lars  
Daniels, Gary  
Emerton, Larry  
Graham, John  
Hinkle, Peyton  
Infantine, William  
Lawrence, James  
Mooney, Maureen  
Ober, Russell III  
Renzullo, Andrew  
Spaulding, Jayne  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Clark, Mark  
Day, Russell  
Fletcher, Richard  
Haefner, Robert  
Hogan, Edith  
Jasper, Shawn  
Lessard, Rudy  
Moran, Edward  
Peterson, Andy  
Rowe, Robert  
Stepanek, Stephen  
Villeneuve, Maurice

Bergin, Peter  
Coughlin, Pamela  
Dokmo, Cynthia  
Gargasz, Carolyn  
Hansen, Ryan  
Holden, Randolph  
Kurk, Neal  
Manney, Pamela  
O'Connell, Timothy  
Price, Pamela  
Simon, Anthony  
Tahir, Saghir  
Winters, Joel

**MERRIMACK**

Anderson, Eric  
Lockwood, Priscilla

Hess, David  
MacKay, James

Humphries, Charlie  
Reed, Dennis

Kidder, David

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Case, Frank  
DiFruscia, Anthony  
Fesh, Bob  
Garrity, James  
Headd, James  
Introne, Robert  
Katsakiores, George

Baldasaro, Alfred  
Buxton, Donald  
Charron, Gene  
Dumaine, Dudley  
Flanders, John Sr  
Gould, Kenneth  
Hopfgarten, Paul  
Itse, Daniel  
Katsakiores, Phyllis

Bedrick, Jason  
Camm, Kevin  
Dalrymple, David  
Elliott, Robert  
Forsing, Robert  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Robert  
Lund, Howie

Belanger, Ronald  
Carson, Sharon  
Devine, James  
Emiro, Frank  
Garcia, Marilinda  
Guthrie, Joseph  
Ingram, Russell  
Kappler, Lawrence  
Major, Norman

McKenna, Daniel  
Packard, Sherman  
Quandt, Matthew  
Stiles, Nancy  
Wells, Roger

McKinney, Betsy  
Pearson, Mark  
Rausch, James  
Waterhouse, Kevin  
Weyler, Kenneth

Moore, Benjamin  
Priestley, Anne  
Reagan, John  
Weare, Everett  
Wickson, Rick

Nowe, Ronald  
Quandt, Marshall  
Sanders, Elisabeth  
Welch, David  
Winchell, George

### STRAFFORD

Brown, Julie

Watson, Robert

### SULLIVAN

Ferland, Brenda Rodeschin, Beverly  
and the majority committee report was adopted.  
Ordered to third reading.

The House recessed at 12:25 p.m.

### RECESS

### (Speaker Norelli in the Chair)

The House reconvened at 1:30 p.m.

### REGULAR CALENDAR (CONT'D)

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie K. Smith for the Majority of Finance: HB 2-FN-A, sometimes referred to as the trailer bill, contains the changes to the laws of the State of New Hampshire needed to support the state budget and to ensure that the House passes a balanced budget to the Senate. An important component of HB 2 is changes in existing legislation concerning revenues. There is significant evidence that tobacco use results in significant health care and related costs to the state. Both the Ways and Means and Finance Committees received weighty testimony that an increase of at least 40 cents was necessary in New Hampshire to begin to affect teen cigarette consumption. The Department of Revenue Administration's well-tested model shows that the sacrifice in packs lost to retailers relative to state revenues becomes significant at 45 cents. The majority therefore stopped at this number. That would bring the New Hampshire tax on tobacco to \$1.25. For comparison, the effective tax rate (including sales tax) in Vermont is \$2.12, with another 20 cent increase going into effect on July 1, 2008. In Maine the effective tax rate is \$2.23, although there is a bill now pending to increase the tax another \$1.00. In Massachusetts the rate is \$1.71, or 46 cents above the proposed New Hampshire rate. The increase in motor vehicle registration fees is a stop-gap measure to allow vital highway projects to continue while the highway fund finances are sorted out. The committee reduced a severe impact on large trucks and included motorcycles in the tax burden we all must share. The increase in motor vehicle fines, the first in 14 years which passed last term, was and is meant to finance the badly needed Nashua Legal Assistance Office. The sunset was put in the following year to allow the Criminal Justice Committee a chance to review the fines. The Real Estate Transfer Tax was originally instituted to fund the predecessor of LCHIP but was subsequently used by the legislature as a major general revenue source. A 4% increase would fund a dedicated LCHIP fund that should provide for its needs for a long time to come. The NH Housing Finance Authority has stated that this will not affect the ability of lower-income people to buy affordable housing. The Governor had originally suggested that each school district receive 5% more than they had received the current biennium. Subsequently he revisited this issue and asked that additional funds be directed to those districts that would have received an increase under the existing law. While the legislature defines an adequate education, determines the cost of an education and addresses how to raise the necessary funds, the committee concluded that it was best to create as little disruption as possible in the school districts' budgets. Vote 15-10.

Rep. Neal M. Kurk for the Minority of Finance: The minority cannot support the excessive tax and fee increases contained in the trailer bill. Two years ago, the legislature raised the cigarette tax from 52 cents to 80 cents, an increase of 28 cents, but one that still kept us competitive with other New England states. Now we are asked to raise it another 45 cents to \$1.25 per pack, effectively cutting our competitive advantage with Massachusetts in half, harming many small retailers

and unfairly burdening one group of taxpayers. Motor vehicle registration fees are raised \$6 per vehicle for those weighing less than 8000 lbs. – that's a 25% increase for some vehicles – and nearly \$200 on average for large trucks. Highway fund revenues, already inadequate to maintain state roads and bridges, will be further reduced in future bienniums by about 5% to pay debt service on the "borrow and spend" highway bonds. The recent increases in motor vehicle fines, also passed two years ago are being ignored, and these higher fines will now continue for another two years. The real estate transfer tax, already among the highest in the nation, is inappropriately raised by 4% on the buyer and 4% on the seller in order to support LCHIP. Finally, this bill changes the education funding formula, arbitrarily reducing grants to most school districts to 94.6596522% of the anticipated level in order to provide an unanticipated 5% increase to a small group of school districts. This will increase local property taxes for those districts least able to afford them, a policy the minority finds unconscionable.

### Majority Amendment (1194h)

Amend the bill by replacing all after the enacting clause with the following:

1 Office of Information Technology; Increase Purchase Amount Requiring Approval of Chief Information Officer. Amend RSA 21-I:11, XI and XII to read as follows:

XI. Requiring, prior to an agency's submission of a request for proposal for state data processing equipment, software, or services exceeding ~~[\$250]~~ **\$500** in total cost, that the agency obtain approval of the proposal by the chief information officer to ensure that the procurement is consistent with the state information technology plan.

XII. Requiring agencies to submit the approval from the chief information officer in support of requests for purchases of information technology equipment or software in excess of ~~[\$250]~~ **\$500**.

2 Department of Safety; Motor Vehicle Registration Fees Increased. Amend RSA 261:141, III(g) and (h) to read as follows:

(g) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs.	<del>[\$25.20]</del> <b>\$31.20</b> ( <del>[\$2.10]</del> <b>\$2.60</b> per month)
3001-5000 lbs.	<del>[\$37.20]</del> <b>\$43.20</b> ( <del>[\$3.10]</del> <b>\$3.60</b> per month)
5001-8000 lbs.	<del>[\$49.20]</del> <b>\$55.20</b> ( <del>[\$4.10]</del> <b>\$4.60</b> per month)
8001-73,280 lbs.	<del>[\$.84]</del> <b>\$1.08</b> per hundred lbs. gross weight.

(h) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby: up to 73,280 pounds—~~[\$.84]~~ **\$1.08** per 100 pounds gross weight, over 73,280 pounds—\$1.44 shall be charged for each 100 pounds gross weight or portion thereof in excess of 73,280 pounds.

3 Department of Safety; Motor Vehicle Registration Fees Increased. Amend RSA 261:141, III(o) to read as follows:

(o) For each motorcycle—~~[\$12]~~ **\$15**.

4 Sweepstakes Commission; Maximum Ticket Price Prior to July 1, 2009. Amend RSA 284:21-i, II(c)(1) to read as follows:

(1) The price for which tickets for drawings and sweepstakes races shall be sold; not to exceed ~~[\$20]~~ **\$30** per ticket.

5 Sweepstakes Commission; Maximum Ticket Price; July 1, 2009 Version. RSA 284:21-i, II(c)(1) is repealed and reenacted to read as follows:

(1) The price for which tickets for drawings shall be sold; not to exceed \$30 per ticket.

6 Tobacco Tax; Rate Increase. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of ~~[\$.80]~~ **\$1.25** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

7 Tobacco Tax; Applicability. Section 6 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2007 shall apply to such inventory. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

8 Tobacco Tax; Distribution of Funds. RSA 78:32 is repealed and reenacted to read as follows:  
78:32 Application of Funds. The commissioner shall transmit all taxes, interest, additions to tax, and penalties imposed under this chapter to the state treasurer for deposit in the general fund.

9 New Section; Health and Human Services; Homeless Housing Access Fund Established. Amend RSA 126-A by inserting after section 62 the following new section:

126-A:63 Homeless Housing and Access Revolving Loan Fund. There is hereby established a non-lapsing and continually appropriated homeless housing and access revolving loan fund. The fund shall be administered by the department of health and human services with advice and recommendations from the governor's interagency council on homelessness. Funds shall be used solely to provide loans for the first months' rent and security deposit for homeless individuals and families transitioning from state-sponsored shelters to rental housing. Repayment terms of the loans shall be determined by the department in consultation with the interagency council and shall be based on need. Such payments shall not commence sooner than 120 days after the loan is granted.

10 New Subparagraph; Special Accounts. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the homeless housing and access revolving loan fund, established in RSA 126-A:63.

11 Long-Term Care Assistance Fund; ServiceLink New Hampshire. Notwithstanding RSA 167:94, III, the balance of funds in the long-term care assistance fund, established in RSA 167:94, on June 30, 2007 is hereby transferred and appropriated to the department of health and human services to support operation of the ServiceLink New Hampshire program in the fiscal year ending June 30, 2008.

12 Tobacco Use Prevention Funds Deposited in the General Fund. Notwithstanding RSA 126-K:15, RSA 198:39, or 2000, 212, in each year of the biennium ending June 30, 2009, all tobacco settlement funds received by the state of New Hampshire shall be deposited in the general fund.

13 Liquor Commission; Revenue. Notwithstanding RSA 176:16, II, for the biennium ending June 30, 2009, all gross revenue derived by the liquor commission from the sale of liquor, or from license fees, shall be deposited into the general funds of the state.

14 Name Change from Glencliff Home for the Elderly to Glencliff Home. Amend the following RSA provisions by replacing "Glencliff home for the elderly" with "Glencliff home": RSA 10:1; 94:1-a, I(b); 94:5, I(c); 94:8; 99:2-a; 99:11, I; 99:12; 99:13; 126-A:5, V and VI; 126-A:34, I(a); 135:21-b; 135-C:4, I; 135-C:6, I; 318:58, III(c); and 611:5-a.

15 Effective Date of Repeal Changed; Reimbursement of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. Amend 1998, 388:17, II, as amended by 2003, 223:8 and 2004, 260:9 and 2005, 177:10, to read as follows:

II. Paragraphs I and II of section 16 of this act shall take effect on July 1, [2007] **2008**.

16 County Payments of Funds for Persons Eligible to Receive Nursing Facility Services; Limitation on County Payments. Amend RSA 167:18-b, IV to read as follows:

IV. The total billings by all counties made pursuant to this section for persons who have been determined eligible to receive nursing facility services shall not exceed 50 percent of the non-federal share of the combined long-term care Medicaid spending for which the counties are obligated and in no instance shall the billings for the 12-month period of the state fiscal year, dated between July 1, [2004] **2005** and June 30, [2007] **2008** exceed:

(a) State fiscal year [2004] **2006** – [~~\$60,000,000~~] **\$68,000,000**.

(b) State fiscal year [2005] **2007** – [~~\$64,000,000~~] **\$70,000,000**.

(c) State fiscal year [2006] **2008** – [~~\$68,000,000~~] **\$71,500,000**.

[~~(d) State fiscal year 2007 – \$70,000,000.~~]

17 Department of Health and Human Services; Limitation on Mental Health Services. For the biennium ending June 30, 2009, the department of health and human services shall maintain a limit on benefits of \$4,000 per person per year for adults with low service utilization of community mental health services, as identified in He-M 401.07; provided, that the department also shall establish, by rule under RSA 541-A, a procedure for such persons or community mental health providers to request a waiver of the \$4,000 limit based on legitimate treatment considerations. Upon request by the commissioner of the department of health and human services, the fiscal committee of the general court may authorize a higher per person per year limit.

18 Department of Health and Human Services; Program Eligibility; Additional Revenues; Transfer Among Accounts.



I. For the biennium ending June 30, 2009, the department of health and human services shall not authorize, without prior approval of the fiscal committee of the general court and governor and council, any change to program eligibility standards or benefit levels that might be expected to increase enrollment in the program or increase expenditures from any source of funds; provided, however, that no such prior approval shall be required if a change to a federal program in which the state is participating as of the effective date of this section is required by federal law.

II. Notwithstanding any provision of the law to the contrary, for the biennium ending June 30, 2009, the fiscal committee of the general court and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues in excess of \$50,000, that are in addition to the budgeted amounts, from any source, which become available to the department. Such additional revenues shall be available to the department of health and human services to supplement funds in the following programs and services: provider payments, provider rate increases, and any other program or service that requires deficit reduction or for which revenue has been specifically obtained to improve program operations; provided, that such improvements do not increase eligibility standards or benefit levels.

III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2009 the commissioner of the department of health and human services is hereby authorized to transfer funds within and among all PAUs within the department, as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department.

19 Medical Assistance; Memorandum of Understanding Between the Departments of Revenue Administration and Health and Human Services.

I. For the purpose of determining and reviewing eligibility for medical assistance pursuant to Titles XIX and XXI of the Social Security Act and eligibility for Temporary Assistance to Needy Families (TANF), the commissioner of the department of health and human services (DHHS) and the commissioner of the department of revenue administration (DRA) shall renew the existing memorandum of understanding for the period of July 1, 2007 through June 30, 2009 under which:

(a) DHHS may supply DRA with financial information of applicants for and recipients of Titles XIX or XXI medical assistance, or TANF.

(b) DRA shall verify the accuracy of such financial information to the applicant or recipient and not to DHHS.

(c) DRA shall notify DHHS that the verification has been provided to the applicant or recipient.

(d) DHHS shall request the DRA verification be furnished to the DHHS by the applicant or recipient.

(e) DHHS shall comply with all applicable laws for timely case processing.

II. Nothing in the arrangement shall be construed to change the protections of confidentiality provided to individuals and information relating to them under applicable laws, and DRA and DHHS each shall at all times maintain the confidential nature of the records in its possession.

III. DHHS and DRA shall report annually to the fiscal committee of the general court on the benefits and costs of this program.

20 Department of Environmental Services; Fee for Department Review of Plan for Terrain Alteration. Amend RSA 485-A:17, II to read as follows:

II. The department shall charge a fee for each review of plans, including project inspections, required under this section. The fee shall be based on the extent of contiguous area to be disturbed. Except for RSA 483-B:9, the fee for plans encompassing an area of at least 100,000 square feet but less than 200,000 square feet shall be ~~[\$500]~~ **\$1,000**. For the purposes of RSA 483-B:9, the fee for plans encompassing an area of at least 50,000 square feet but less than 200,000 square feet shall be ~~[\$500]~~ **\$1,000**. An additional fee of ~~[\$200]~~ **\$400** shall be assessed for each additional area of up to 100,000 square feet to be disturbed. No permit shall be issued by the department until the fee required by this paragraph is paid. All fees required under this paragraph shall be paid when plans are submitted for review and shall be deposited in the treasury as unrestricted funds.

21 Department of Environmental Services; Wetlands Fees Prior to July 1, 2010. Amend RSA 482A:3, I to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be \$100 for minimum impact projects under this chapter. The permit application fee for minor and major shoreline structure projects shall be \$100 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be ~~[\$1]~~ \$2 per square foot for permanent dock surface area; ~~[\$.50]~~ \$1 per square foot for seasonal dock surface area; and ~~[\$.10]~~ \$.20 per square foot for dredge or fill surface area or both. The permit application fees for minor or major projects shall be ~~[\$.10]~~ \$.20 per square foot of proposed impact for all other projects under this chapter. For projects involving the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be \$100. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

22 Department of Environmental Services; Wetlands Fees; Version Effective July 1, 2010. RSA 482-A:3, I is repealed and reenacted to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be \$100 for minimum impact projects under this chapter. The permit application fee for minor and major shoreline structure projects shall be \$100 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$2 per square foot for permanent dock surface area; \$1 per square foot for seasonal dock surface area; and \$.20 per square foot for dredge or fill surface area or both. The permit application fees for minor or major projects shall be \$.20 per square foot of proposed impact for all other projects under this chapter. For projects involving the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be \$100. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

23 Department of Environmental Services; Revising the Laboratory Fee Schedule for Environmental Tests. RSA 131:3-a is repealed and reenacted to read as follows:

## 131:3-a Fee Required.

I. Notwithstanding the provisions of RSA 131:4, the commissioner of environmental services shall collect a fee for analyses made pursuant to RSA 131:3.

(a) Fees for analyses offered as a service shall be set from the following schedule:

(1) Agricultural Pesticides	\$ 200
(2) Alkalinity	\$ 15
(3) Ammonia	\$ 30
(4) Asbestos	\$ 35
(5) Bacteria as cts/100mL (all types)	\$ 20
(6) Bacteria as MPN (all types)	\$ 30
(7) Bacteria as P/A (all types)	\$ 15
(8) Biosuitability	\$ 145
(9) Biochemical Oxygen Demand	\$ 35
(10) Carbamates	\$ 120
(11) Chloride	\$ 12
(12) Chlorine Residual	\$ 16
(13) Chlorophenoxy Herbicides	\$ 130
(14) Cyanide	\$ 35
(15) Diquat	\$ 125
(16) Ethylene dibromide/Dibromochloropropane	\$ 75
(17) Fluoride	\$ 12
(18) Glycols	\$ 150
(19) Glyphosate	\$ 100
(20) Gross Alpha	\$ 60
(21) Haloacetic Acids	\$ 100
(22) Heterotropic Plate Count	\$ 25
(23) Iron Bacteria	\$ 25
(24) Metals (each)	\$ 15
(25) Metals Preparation Charge	\$ 20
(26) Methyl-tert-butyl ether	\$ 75
(27) Nitrate	\$ 12
(28) Nitrite	\$ 12
(29) Oil & Grease (HEM)	\$ 60
(30) pH	\$ 9
(31) PolyaromaticHydrocarbons	\$ 150
(32) Phosphorus (all forms)	\$ 20
(33) Radium 226	\$ 150
(34) Radon	\$ 25
(35) Semivolatile Compounds	\$ 225
(36) Solids (all forms)	\$ 30
(37) Special Study (per hour)	\$ 50
(38) Specific Conductance	\$ 10
(39) Sulfate	\$ 20
(40) Sulfide	\$ 20
(41) Thermometer Calibration	\$ 15
(42) Total Organic Carbon	\$ 40
(43) Total Kjeldahl Nitrogen	\$ 25
(44) Total Petroleum Hydrocarbons (DRO)	\$ 125
(45) Total Petroleum Hydrocarbons (GRO)	\$ 125
(46) Total Trihalomethanes	\$ 75
(47) Toxaphene	\$ 75
(48) Turbidity	\$ 12
(49) Uranium (activity)	\$ 150
(50) UV-254	\$ 30
(51) Volatile Organic Compounds	\$ 120

(b) Fees for analyses of the following special parameter groupings required by the federal Safe Drinking Water Act shall be:

(1) Drinking Water Bacteria	\$ 15
(2) Haloacetic Acids	\$ 100
(3) Inorganic Chemicals	\$ 335
(4) Inorganic Chemicals (new system)	\$ 395
(5) Lead/Copper	\$ 30
(6) Nitrate/Nitrite	\$ 12
(7) Radiological Chemicals	\$ 75
(8) Synthetic Organic Chemicals	\$ 650
(9) Total Trihalomethanes	\$ 75
(10) Volatile Organic Compounds	\$ 120
(11) Water Quality Parameters	\$ 40

(c) Fees for analyses of the following parameters in support of the department's private homeowner initiative shall be:

(1) Bacteria/Nitrate/Chloride	\$ 30
(2) Drinking Water Bacteria	\$ 15
(3) Fluoride	\$ 12
(4) Methyl-tert-butyl ether	\$ 60
(5) Radon	\$ 20
(6) Standard Analysis	\$ 85
(7) Homeowner Radiologicals	\$ 80
(8) Volatile Organic Compounds	\$ 120

II. All such fees collected by the commissioner of environmental services from federal or state grants or from other state agencies shall be credited against the operating costs of the laboratory. Fees collected from public or private clients shall be deposited with the state treasurer as unrestricted revenue, with the exception that 50 percent of every analysis fee shall be deposited with the state treasurer and reserved in a special nonlapsing fund to be used by the commissioner of environmental services for the purchase of replacement or new laboratory equipment designed to improve service. The commissioner may, with prior approval of the governor and council, use funds in the nonlapsing account for unanticipated personnel or supply expenditures made necessary by unexpected changes in or additions to federal or state required laboratory analyses, or unusual volume of samples.

24 School Money; Determination of Grants. Notwithstanding the provisions of RSA 198:40-a, 198:40-b, 198:40-c and 198:41, for the fiscal year beginning July 1, 2007, each municipality shall receive total education grants in an amount that equals the greater of either: a 5 percent increase in the education grant amount received by the municipality pursuant to RSA 198:41, I(b)(2) for the fiscal year beginning July 1, 2006, or 94.6596522 percent of the education grant amount to be received by the municipality pursuant to RSA 198:41, I(b)(2) for the fiscal year beginning July 1, 2007. For the fiscal year beginning July 1, 2008, each municipality shall receive the same grant amount as determined for the fiscal year beginning July 1, 2007.

25 Highway and Bridge Betterment Program; Funding. Amend RSA 235:23-a, II to read as follows:

II. The program shall be funded from ~~[\$.03]~~ **\$.02** per gallon of the road toll imposed under RSA 260:32; of these revenues, in each fiscal year 88 percent shall be deposited into a separate account established in the highway fund called the highway and bridge betterment account, to be allocated as provided in paragraph III. The amount deposited into the highway and bridge betterment account is hereby continually appropriated and shall be nonlapsing. The remaining 12 percent shall be distributed in accordance with the formula in RSA 235:23, I, and shall be in addition to any amounts to be allocated under that paragraph.

26 Highway and Bridge Betterment Program; Funding Effective July 1, 2009. Amend RSA 235:23-a, II to read as follows:

II. The program shall be funded from ~~[\$.02]~~ **\$.03** per gallon of the road toll imposed under RSA 260:32; of these revenues, in each fiscal year 88 percent shall be deposited into a separate account established in the highway fund called the highway and bridge betterment account, to be allocated as provided in paragraph III. The amount deposited into the highway and bridge betterment account is hereby continually appropriated and shall be nonlapsing. The remaining 12 percent shall be distributed in accordance with the formula in RSA 235:23, I, and shall be in addition to any amounts to be allocated under that paragraph.

27 New Paragraph; Retirement System; Coordination with Administrative Services. Amend RSA 100-A:14 by inserting after paragraph XIV the following new paragraph:

XV. The board of trustees shall, consistent with RSA 21-I:13, V, provide the commissioner of the department of administrative services with information necessary for the commissioner to carry out the responsibilities set forth in RSA 21-I:27, including such information as the name and social security number of each covered retiree, spouse, and dependent; the retiree agency-identifying information in a format compatible with the billing needs of the department; and such other information that the commissioner of the department of administrative services shall request in order to carry out the retiree health benefits program administration.

28 Statement of Purpose. The general court finds that an actuarial valuation of the liabilities incurred for state retiree health care costs is necessary to accurately fund the cost of state retiree health benefits in the state. The general court also finds that the creation of a commission to establish assumptions used in the valuation of state retiree health care costs will promote the accurate calculation, disclosure, and funding of health benefits for state retirees.

29 New Chapter; State Retiree Health Plan Commission. Amend RSA by inserting after chapter 100-C the following new chapter:

#### CHAPTER 100-D STATE RETIREE HEALTH PLAN COMMISSION

100-D:1 State Retiree Health Plan Commission.

I. There is hereby established a state retiree health plan commission consisting of the following members:

(a) One member of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) One member appointed by the governor.

(d) The state treasurer.

(e) The commissioner of the department of administrative services.

II. Legislative members of the commission shall receive mileage at the legislative rate while attending to the duties of the commission.

III. The commission shall:

(a) Determine the actuarial assumptions to be used in the actuarial valuation of liabilities relative to state retiree health benefits.

(b) Ensure that an actuarial valuation report is completed by a qualified, independent actuary and submitted to the speaker of the house of representatives, the president of the senate, and the governor, on or before December 1 of every even-numbered year.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the member appointed by the speaker of the house of representatives. The first meeting of the commission shall be held within 45 days of the effective date of this section. Three members of the commission shall constitute a quorum. The terms of the members of the commission shall be coterminous with their terms of office.

100-D:2 State Retiree Health Fund Established. There is hereby established the state retiree health fund which shall be administered by the department of administrative services. All funds accumulated from any source for state retiree health benefits shall be accounted for in this fund. The fund shall be used to pay for state retiree health care expenses and any administrative costs related thereto pursuant to RSA 21-I:30, and for expenses related to the production of the biennial actuarial valuation report, and shall not be used for any other purpose. The fund shall be nonlapsing and continually appropriated to the department of administrative services. At the end of each fiscal year, the state treasurer shall credit the fund with interest and any other income earned.

30 New Subparagraph; Application of Receipts; State Retiree Health Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

(253) All funds accounted for in the state retiree health fund established pursuant to RSA 100-D:2.

31 Transfers Among Accounts; Office of Information Technology. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary, the office of information technology may, subject to the approval of the fiscal committee, transfer funds within and among all PAU's within said office as necessary for the efficient management of the office.

32 New Paragraph; Tobacco Tax; Stamps; Rules Relative to Bonding Requirements for Wholesalers. Amend RSA 78:9 by inserting after paragraph II the following new paragraph:

III. The commissioner shall adopt rules pursuant to RSA 541-A authorizing the department to adjust bonding requirements for wholesalers with an established history of payment of taxes under this section.

33 Tax on the Transfer of Real Property. Amend RSA 78-B:1, I(b) to read as follows:

(b) The rate of the tax is [~~\$ .75~~] **\$ .78** per \$100, or fractional part thereof, of the price or consideration for such sale, grant, or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$20. The tax imposed shall be computed to the nearest whole dollar.

34 Distribution of Funds. Amend RSA 78-B:13 to read as follows:

78-B:13 Distribution of Funds.

I.(a) The commissioner shall determine the additional amounts of revenue produced by an increase of \$.25 per \$100 in the rate of tax imposed by RSA 78-B:1 for each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the education trust fund established by RSA 198:39.

**(b) The commissioner shall determine the additional amounts of revenue produced by an increase of \$.03 per \$100 in the rate of tax imposed by RSA 78-B:1 for each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the trust fund for the New Hampshire land and community heritage investment program established under RSA 227-M:7.**

II.(a) The commissioner shall make quarterly estimates of the amount of additional revenues that will be produced by the increase in tax rate **under subparagraph I(a)** for the next fiscal year and shall certify such amounts to the state treasurer for deposit in the education trust fund established by RSA 198:39. Such estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.

**(b) The commissioner shall make quarterly estimates of the amount of additional revenues that will be produced by the increase in the tax rate under subparagraph I(b) for the next fiscal year and shall certify such amounts to the state treasurer for deposit in the trust fund for the New Hampshire land and community heritage investment program established under RSA 227-M:7. Such estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.**

35 Commission Relative to Court Security Issues Established.

I. There is established a commission to study court security issues.

II. The members of the commission shall be as follows:

(a) A representative of the courts, appointed by the chief justice of the supreme court.

(b) A representative of the New Hampshire Sheriff's Association, appointed by the association.

(c) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the criminal justice and public safety committee, one of whom shall be a member of the judiciary committee, and one of whom shall be a member of the finance committee.

(d) Two members of the senate, appointed by the president of the senate, one of whom shall be a member of the judiciary committee and one of whom shall be a member of the finance committee.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study issues relative to court security, including assessing the adequacy of the current security system, identifying potential improvements to current court security measures, and estimating the cost of such improvements. The commission shall develop an implementation plan relative to its recommendations.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

36 Medicaid Enhancement Tax; Imposition of Tax. Amend RSA 84-A:2 to read as follows:

84-A:2 Imposition of Tax. A tax is imposed at a rate of [6] 5.5 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.

37 Nursing Facility Quality Assessment; Imposition of Fee. Amend RSA 84-C:2 to read as follows:

84-C:2 Imposition of Fee. An assessment of [6] 5.5 percent of net patient services revenues is hereby imposed on all nursing facilities on the basis of patient days in each nursing facility. The fee shall be implemented in accordance with the provisions of 42 C.F.R. part 433.

38 New Paragraph; Department of Health and Human Services; RFPs. Amend RSA 126-A:5 by inserting after paragraph XV the following new paragraph:

XVI. Notwithstanding any other provision of law, administrative rule, or administrative process to the contrary, the commissioner of health and human services may advertise requests for proposals and recruitment of personnel by using the Internet rather than traditional newspaper print media. The department shall regularly publish a notice in traditional print media referring prospective service providers and persons seeking state employment to the state's website for detailed information about opportunities.

39 Department of Health and Human Services; Authority to Fill Unfunded Positions. Notwithstanding any provision of law to the contrary, the commissioner of the department of health and human services may fill any unfunded positions during the biennium ending June 30, 2009, provided that the total expenditure for such positions shall not exceed the amount appropriated for personal services, permanent, and personal services, unclassified.

40 New Paragraph; Family Mutual Support Services; Requests for Proposals. Amend RSA 126-P:2 by inserting after paragraph IV the following new paragraph:

V. The New Hampshire developmental disabilities council shall assist the department in developing any requests for proposal for family mutual support services before they are released for competitive bidding.

41 Nursing Facility Rates; Report by Department of Health and Human Services. For the biennium ending June 30, 2009, the department of health and human services shall provide a report to the fiscal committee of the general court detailing assumptions used by the department to calculate acuity-based rates paid to nursing facilities. Said report shall be filed with the committee prior to the effective date of any rate change, and shall include, but not be limited to, the average monthly nursing facility bed days used to calculate rates, the projected surplus or deficit in current operating budget appropriations for nursing services, and the budget neutrality factor that will be applied to the rates, if any. The budget neutrality factor shall be defined as the adjustment to rates made by the department to accommodate the difference between the allowable medicaid costs, derived from the nursing facility Medicaid acuity rate setting system, which nursing facilities incur in providing care to Medicaid residents, and the amount which the state has budgeted in order to fund that care. The budget neutrality factor shall not consider amounts appropriated in the operating budget for the Medicaid quality incentive program (MQIP) or the proportionate share program (Proshare).

42 New Paragraph; Recovery of Assistance. Amend RSA 167:13 by inserting after paragraph III the following new paragraph:

IV. There is established in the state treasury an estate administration fund for use as a depository account by the department of health and human services for the purpose of estate administration conducted pursuant to RSA 553:2, III. The fund shall be used to receive and temporarily hold estate funds subject to supervision of the probate court until funds are disbursed, in accordance with RSA 554:19, to creditors, including the state, for public assistance provided under this chapter.

43 New Subparagraph; Treasury; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the estate administration fund established under RSA 167:13, IV.

44 Legal Services Study Commission Established.

I. There is established a commission to study the consolidation and centralization at the department of justice of legal services by the department of health and human services and other departments.

II. The members of the commission shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

- (b) Two members of the senate, appointed by the president of the senate.
- (c) Two members appointed by the governor.
- (d) The attorney general, or designee.
- (e) The commissioner of the department of health and human services, or designee.
- (f) One member of the New Hampshire Bar Association who has both government service experience and experience in the private sector management of a large law firm, appointed by the attorney general.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study the employment of attorneys by the department of health and human services and other state agencies to determine whether transfer of those employees and responsibility for those legal service functions to the attorney general's office would improve the efficiency and effectiveness of legal services by the state. The study shall address whether centralization and consolidation of legal services within the state would allow the state to:

- (a) More effectively and efficiently hire and retain highly qualified legal professionals.
- (b) Standardize management, supervision, and accountability of attorneys and legal support staff working for the state.
- (c) Establish a consistent and uniform training program for all attorneys and legal staff employed by the state.
- (d) Provide more timely and consistent legal advice to state departments and officials.
- (e) Eliminate duplication of legal services currently being performed by attorneys working at different departments.
- (f) Establish uniform standards for attorneys appearing on behalf of the state before courts or administrative proceedings.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. A simple majority of the members of the commission shall constitute a quorum.

VI. Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

45 Fish and Game Fund; Game Management Account; Effective Date. Notwithstanding any provision of law to the contrary, if HB 623-FN of the 2007 legislative session becomes law, it shall take effect on July 1, 2007.

46 Fish and Game Fund. RSA 215-A:23, VIII(f) is repealed and reenacted to read as follows:

(f) Any other purposes of the fish and game department funded by the fish and game fund.

47 Moose; Permit Fees; Nonresident Minimum Fee. Amend RSA 208:1-a, II to read as follows:

II. The executive director, with the consent of the commission, shall also adopt rules under RSA 541-A to regulate the issuance of licenses or permits, including the establishment of a lottery for awarding of permits to applicants, and to set fees for applications, licenses, or permits for both resident and nonresident applicants, ***provided the fee for nonresident permits shall be at least \$450.***

48 Wild Turkey; Nonresident Fee. Amend RSA 214:9, XI to read as follows:

XI. If the applicant ***is a resident and wishes to hunt wild turkeys, [\$5] \$15, and if the applicant is a nonresident and wishes to hunt wild turkeys, \$30,*** and the fish and game department shall thereupon issue a wild turkey license or permit which shall entitle the licensee to hunt, shoot, kill and take turkey, except by the use of traps.

49 Motor Vehicle Fines; Review. The house criminal justice and public safety committee shall review fines for motor vehicle violations, as they have been amended by 2005, 177 and 2006, 259. The committee shall consider the appropriateness of the fine amounts and the advisability of reducing the fine amounts upon passage of the state operating budget. The committee shall report its findings to the speaker of the house of representatives and to the chairman of the house ways and means committee by November 1, 2007.

50 Motor Vehicle Fine Reductions; Effective Date. Amend 2006, 259:33-34 to read as follows:

259:33 Contingency. If HB 298 of the 2006 legislative session becomes law, sections 20, 21, and 22 of this act shall not take effect and sections 30, 31, and 32 of this act shall take effect one day after the passage of the state operating budget for the biennium ending June 30, [2009] **2011.**



If HB 298 does not become law, sections 30, 31, and 32 of this act shall not take effect and sections 20, 21, and 22 of this act shall take effect one day after the passage of the state ~~[operation]~~ **operating** budget for the biennium ending June 30, 2009.

259:34 Effective Date.

I. Sections 20, 21, 22, 30, 31, and 32 of this act shall take effect as provided in section 33 of this act.

II. Section 33 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect one day after the passage of the state operating budget for the biennium ending June 30, ~~[2009]~~ **2011**.

51 Regional Community-Technical College System; Authority to Accept Funds and Exemption from Hiring Freeze; Prospective Repeal Extended to July 1, 2009. Amend 2005; 227:6, I to read as follows:

I. Section 4 of this act shall take effect July 1, ~~[2007]~~ **2009**.

52 Regional Community-Technical Colleges; Contracts with the Community-Technical College Foundation; Prospective Repeal Extended. Amend 2004, 9:5, I to read as follows:

I. Section 3 of this act shall take effect July 1, ~~[2007]~~ **2009**.

53 Lease Agreements. Notwithstanding RSA 6:35, for the biennium ending June 30, 2009, the fish and game department, the department of transportation, and the department of regional community-technical colleges may enter into lease agreements for vehicles and equipment at the discretion of the agency head. In this section, "lease" includes a lease-purchase, sale and lease back, installment sale, or other similar agreement.

54 New Section; Compensation for Retired Full-Time Justices for Service after Retirement. Amend RSA 493-A by inserting after section 1-a the following new section:

493-A:1-b Compensation. Any retired full-time justice of the supreme, superior, district, or probate court who serves after retirement as a senior active status justice or a judicial referee shall be allowed his or her expenses and a per diem compensation determined by the supreme court upon recommendation by the judicial branch administrative council and based on the daily equivalent of the annual salary the retired justice would then be earning pursuant to RSA 491-A:1; provided however, that in any calendar year the total of the service retirement benefits that the retired justice receives pursuant to RSA 100-C:5 plus the compensation provided by this section shall not exceed the annual salary the retired justice would then be earning pursuant to RSA 491-A:1.

55 Appropriation. There is hereby appropriated to the judicial branch the sum of \$200,000 for the fiscal year ending June 30, 2008, and the sum of \$200,000 for the fiscal year ending June 30, 2009, for the purpose of compensating retired, full-time justices for service after retirement. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

56 Effective Date.

I. Section 5 of this act shall take effect on July 1, 2009 at 12:01 a.m.

II. Section 22 of this act shall take effect on July 1, 2010 at 12:01 a.m.

III. Section 26 of this act shall take effect on July 1, 2009.

IV. Sections 35, 49, and 50 of this act shall take effect upon its passage.

V. Sections 36, 37, 47, and 48 of this act shall take effect January 1, 2008.

VI. Section 51 of this act shall take effect June 30, 2007.

VII. Section 40 shall take effect 60 days after its passage.

VIII. The remainder of this act shall take effect July 1, 2007.

#### AMENDED ANALYSIS

This bill:

I. Increases the minimum purchase price for agency hardware and software that requires approval by the office of information technology.

II. Increases certain motor vehicle registration fees.

III. Increases the limit for sweepstakes ticket prices from \$20 to \$30.

IV. This bill increases the tobacco tax by 45 cents and provides that all tobacco tax revenues be deposited in the general fund.

V. Establishes the homeless housing and access revolving loan fund.

VI. Transfers the balance of the long-term care assistance fund on June 30, 2007 to the department of health and human services to support ServiceLink New Hampshire.

- VII. Provides that, for the biennium ending June 30, 2009, all tobacco settlement funds shall be deposited in the general fund.
- VIII. Provides that, for the biennium ending June 30, 2009, all revenue from the sale of liquor and from liquor licensing fees shall be deposited in the general fund.
- IX. Changes the name of the Glencliff home for the elderly to the Glencliff home.
- X. Extends the current funding formula relative to county nursing homes and proportionate share payments to July 1, 2008.
- XI. Establishes a \$4,000 cap on community mental health services benefits available to persons identified as adults with low service utilization of such services, and requires the department to establish, by rule, a procedure to waive the financial cap.
- XII. Limits the ability of the department of health and human services to change program eligibility standards and rates in the biennium ending June 30, 2009.
- XIII. Provides that, for the biennium ending June 30, 2009, the department of health and human services may accept and expend additional revenues above budgeted amounts for provider payments and certain other programs and services, subject to approval of the fiscal committee and governor and council.
- XIV. Authorizes the department of health and human services to transfer funds within and among all PAUs within the department for certain purposes, subject to approval of the fiscal committee and governor and council.
- XV. Directs the department of revenue administration and the department of health and human services to renew the existing memorandum of understanding between the agencies relative to eligibility for public assistance.
- XVI. Increases certain department of environmental service fees for the review of terrain alteration plans and wetlands or shoreline structure impact fees.
- XVII. Revises the laboratory fee schedule for environmental tests.
- XVIII. Establishes that each municipality shall receive total education grants in an amount that equals the greater of either: a 5 percent increase in the education grant amount received by the municipality pursuant to RSA 198:41, I(b)(2) for the fiscal year beginning July 1, 2006, or 94.6596522 percent of the education grant amount to be received by the municipality pursuant to RSA 198:41, I(b)(2) for the fiscal year beginning July 1, 2007.
- XIX. Decreases the percentage of the road toll used to fund the highway and bridge betterment program until July 1, 2009.
- XX. Directs the New Hampshire retirement system to provide the department of administrative services with certain information relative to retirees for the retiree health benefits program.
- XXI. Establishes the state retiree health plan commission and the state retiree health plan fund to ensure the accurate calculation, disclosure, and funding of the cost of state retiree health benefits.
- XXII. Permits the office of information technology to transfer funds within the office with the approval of the fiscal committee.
- XXIII. Directs the commissioner of revenue administration to adopt rules under RSA 541-A relative to bonding requirements for wholesalers of tobacco products.
- XXIV. Increases the rate of tax on the transfer of real property.
- XXV. Requires the commissioner of the department of revenue administration to certify the additional revenue to the treasurer for deposit in the trust fund for the New Hampshire land and community heritage investment program.
- XXVI. Establishes a commission relative to court security issues.
- XXVII. Reduces the Medicaid enhancement tax and the nursing facility quality assessment fee from 6 percent to 5.5 percent.
- XXVIII. Permits the department of health and human services to use the Internet, rather than newspapers, for its requests for proposals and recruitment of personnel for the biennium ending June 30, 2009.
- XXIX. Authorizes the commissioner of the department of health and human services to fill any unfunded position for the biennium ending June 30, 2009 within the limits of the appropriations for personal services, permanent, and personal services, unclassified.
- XXX. Requires the developmental disabilities council to assist the department of health and human services in developing any requests for proposal for family mutual support services.
- XXXI. Directs the department of health and human services to file a report relative to the calculation of acuity-based rates for nursing facilities with the fiscal committee prior to implementing a rate change.

XXXII. Establishes an estate administration fund for the department of health and human services to hold estate funds before disbursement by the probate court.

XXXIII. Establishes a commission to study the consolidation and centralization at the department of justice of legal services by the department of health and human services and other departments.

XXXIV. Establishes a July 1, 2007 effective date for HB 623-FN, relative to the fish and game fund, game management account.

XXXV. Provides that funds appropriated to the fish and game department may be used for any purpose of the fish and game department funded by the fish and game fund.

XXXVI. Sets a required minimum moose permit fee for nonresidents and increases the nonresident wild turkey license or permit fee issued by the fish and game department.

XXXVII. Requires the house criminal justice and public safety committee to review motor vehicle fines and extends the effective date for certain motor vehicle fine reductions.

XXXVIII. Extends the department of regional community-technical colleges' authority to accept certain funds without the approval of the governor and council and their exemption from a hiring freeze or delay until July 1, 2009.

XXXIX. Extends the prospective repeal of the regional community technical college system's contracting authority with the community-technical college foundation.

XL. For the biennium ending June 30, 2009, allows the fish and game department, the department of transportation, and the department of regional community-technical colleges to lease vehicles and equipment at the discretion of the agency head.

XLI. Allows certain limited compensation for retired full-time justices for service after retirement, and makes an appropriation therefor.

Majority committee amendment adopted.

Rep. Camm offered floor amendment (1227h).

#### **Floor Amendment (1227h)**

Amend the bill by deleting sections 2 and 3 and renumbering the original sections 4-56 to read as 2-54, respectively.

Amend the bill by replacing section 5 with the following:

5 Tobacco Tax; Applicability. Section 4 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective July 1, 2007 shall apply to such inventory. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

Amend the bill by replacing section 54 with the following:

54 Effective Date.

I. Section 3 of this act shall take effect on July 1, 2009 at 12:01 a.m.

II. Section 20 of this act shall take effect on July 1, 2010 at 12:01 a.m.

III. Section 24 of this act shall take effect on July 1, 2009.

IV. Sections 33, 47, and 48 of this act shall take effect upon its passage.

V. Sections 34, 35, 45, and 46 of this act shall take effect January 1, 2008.

VI. Section 49 of this act shall take effect June 30, 2007.

VII. Section 38 of this act shall take effect 60 days after its passage.

VIII. The remainder of this act shall take effect July 1, 2007.

Rep. Marsh spoke against.

Reps. Camm and Packard spoke in favor.

Rep. Whalley requested a roll call; sufficiently seconded.

#### **YEAS 149 NAYS 202**

#### **YEAS 149**

#### **BELKNAP**

Allen, Janet

Heald, Bruce

Russell, David

Wendelboe, Fran

Boyce, Laurie

Millham, Alida

Thomas, John

Whalley, Michael

Clark, Charles

Nedeau, Stephen

Tilton, Franklin

Flanders, Donald

Pilliod, James

Tobin, William

**CARROLL**

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Merrow, Harry

Denley, William  
Patten, Betsey

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

**COOS**

King, Frederick

Remick, William

Tholl, John Jr

**GRAFTON**

Andersen, Gene  
Ingbretson, Paul

Bulis, Lyle  
Sorg, Gregory

Eaton, Stephanie  
Williams, Burton

Gionet, Edmond

**HILLSBOROUGH**

Barry, Richard  
Christensen, Chris  
Daniels, Gary  
Elliott, Nancy  
Graham, John  
Hinkle, Peyton  
Jasper, Shawn  
Manney, Pamela  
Mooney, Maureen  
Ober, Russell III  
Renzullo, Andrew  
Spaulding, Jayne  
Ulery, Jordan

Batula, Peter  
Christiansen, Lars  
Day, Russell  
Emerton, Larry  
Haefner, Robert  
Hogan, Edith  
Kurk, Neal  
Martineau, Jesse  
Moran, Edward  
Peterson, Andy  
Rowe, Robert  
Stepanek, Stephen  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Coughlin, Pamela  
Dokmo, Cynthia  
Fletcher, Richard  
Hansen, Ryan  
Hunter, Bruce  
Lawrence, James  
McRae, Karen  
O'Connell, Timothy  
Price, Pamela  
Shaw, Barbara  
Sullivan, Daniel  
Villeneuve, Maurice

Bergin, Peter  
Crane, Elenore Casey  
Drisko, Richard  
Gargas, Carolyn  
Hawkins, Ken  
Infantine, William  
Lessard, Rudy  
Messier, Irene  
Ober, Lynne  
Reeves, Sandra  
Soucy, Connie  
Tahir, Saghir  
Winters, Joel

**MERRIMACK**

Anderson, Eric  
Lockwood, Priscilla

Hess, David  
MacKay, James

Humphries, Charlie  
Reed, Dennis

Kidder, David

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Case, Frank  
DiFruscia, Anthony  
Fesh, Bob  
Gleason, John  
Hopfgarten, Paul  
Kappler, Lawrence  
McMahon, Charles  
Quandt, Marshall  
Sanders, Elisabeth  
Welch, David  
Winchell, George

Baldasaro, Alfred  
Buxton, Donald  
Charron, Gene  
Dumaine, Dudley  
Flanders, John Sr  
Griffin, Mary  
Ingram, Russell  
Katsakiores, George  
Nowe, Ronald  
Quandt, Matthew  
Stiles, Nancy  
Wells, Roger

Bedrick, Jason  
Camm, Kevin  
Dalrymple, David  
Elliott, Robert  
Garcia, Marilinda  
Guthrie, Joseph  
Introne, Robert  
Katsakiores, Phyllis  
Packard, Sherman  
Rausch, James  
Waterhouse, Kevin  
Weyler, Kenneth

Belanger, Ronald  
Carson, Sharon  
Devine, James  
Emiro, Frank  
Garrity, James  
Headd, James  
Itse, Daniel  
Lund, Howie  
Priestley, Anne  
Reagan, John  
Weare, Everett  
Wickson, Rick

**STRAFFORD**

Brown, Julie

Hofemann, Roland

Sprague, Dale

**SULLIVAN**

Rodeschin, Beverly

**NAYS 202****BELKNAP**

Arsenault, Beth

Reever, Judith

**CARROLL**

Brigham, Robert  
 Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
 Butynski, William  
 Espiefs, Peter  
 Parkhurst, Henry  
 Robertson, Timothy

Burridge, Delmar  
 Chase, William  
 Lerandeau, Alfred  
 Plifka, Stanley Jr  
 Sad, Tara

Butcher, Suzanne  
 Dunn, J. Timothy  
 Loll, Thomas  
 Richardson, Barbara  
 Weber, Lucy

Butterworth, Timothy  
 Eaton, Daniel  
 Mitchell, Bonnie  
 Roberts, Kris  
 Weed, Charles

**COOS**

Hatch, William  
 Theberge, Robert

Mears, Edgar  
 Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

**GRAFTON**

Aguiar, James  
 Cooney, Mary  
 Harding, A Laurie  
 McLeod, Martha  
 Preston, Philip

Almy, Susan  
 Estes, Carole  
 Laliberte, Suzanne  
 Mulholland, Catherine  
 Solomon, Peter

Benn, Bernard  
 Friedrich, Carol  
 Lovett, Sid  
 Nordgren, Sharon

Bleyler, Ruth  
 Hammond, Lee  
 Matheson, Robert  
 Pierce, David

**HILLSBOROUGH**

Baroody, Benjamin  
 Campbell, David  
 Daler, Jennifer  
 Forest, Armand  
 Gorman, Mary  
 Hammond, Jill  
 Jean, Claudette  
 Knowles, John  
 Leishman, Peter  
 Long, Patrick  
 Mesa, Lily  
 Pilotte, Maurice  
 Schulze, Joan  
 Smith, David  
 Velez, Hector

Beaulieu, Jane  
 Chase, Claudia  
 Edwards, Andrew  
 Foster, Linda  
 Hackel, Paul  
 Harvey, Suzanne  
 Judy, Jean  
 Knowles, Mary Ann  
 Levasseur, Nickolas  
 Mack, Ron  
 Movsesian, Lori  
 Reuschel, Michael  
 Shattuck, Gilman  
 Spratt, Stephen

Beck, Catriona  
 Clemons, Jane  
 Essex, David  
 Garrity, Patrick  
 Haley, Robert  
 Hebert, Roger  
 Kaelin, Michael  
 Kopka, Angelina  
 Levesque, Melanie  
 Marshall, Seth  
 O'Brien, Michael Sr  
 Rochette, Eric  
 Shaw, Kimberly  
 Sullivan, Francis

Brunelle, Michael  
 Cote, David  
 Fontas, Jeffrey  
 Goley, Jeffrey  
 Hall, Betty  
 Irwin, Anne-Marie  
 Kelley, John  
 Lasky, Bette  
 Lisle, Carolyn  
 Matarazzo, Anthony Sr  
 O'Neil, James  
 Rosenwald, Cindy  
 Simon, Anthony  
 Sysyn, Mary

**MERRIMACK**

Baxley, Maureen  
 Brueggemann, Donald  
 DeStefano, Stephen  
 Greco, Vincent  
 McMahon, Patricia  
 Richardson, Gary  
 Tupper, Frank  
 Wheeler, Deborah

Beauchesne, Suzanne  
 Clarke, Claire  
 Ehlers, Eileen  
 Hamm, Christine  
 Osborne, Jessie  
 Ryan, Jim  
 Wallner, Mary  
 Williams, Robert

Blanchard, Elizabeth  
 Davis, Frank  
 Foose, Robert  
 Kelly, Sally  
 Porter, Margaret  
 Shurtleff, Stephen  
 Walz, Mary  
 Yeaton, Charles

Brown, Carole  
 DeJoie, John  
 French, Barbara  
 Kjellman, Eleanor Glynn  
 Potter, Frances  
 Tilton, Joy  
 Webb, Leigh

**ROCKINGHAM**

Borden, David  
 Day, Judith  
 Henson, John  
 Kepner, Susan  
 McKenna, Daniel  
 Pantelakos, Laura  
 Splaine, James

Brown, C. Pennington  
 Flockhart, Eileen  
 Johnson, Robert  
 Major, Norman  
 Moody, Marcia  
 Powers, James

Cali-Pitts, Jacqueline  
 Gould, Kenneth  
 Kelley, Jane  
 Marsh, Michael  
 Moore, Bennett  
 Russell, Trink

Casey, Kimberley  
 Grote, Otto  
 Kennedy, James  
 McCarthy, Linda  
 Nord, Susi  
 Snow, Richard

**STRAFFORD**

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Larry
Browne, Brendon	Burke, Rachel	Cyr, James	DeChane, Marlene
Domingo, Baldwin	Fargo, Thomas	Goodwin, Earle	Hubbard, Pamela
Hutz, Sarah	Kaen, Naida	Knowles, William	Mickelonis, Shawn
Miller, Joseph	Perry, Robert	Rollo, Deanna	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Vachon, Dennis	Wall, Janet	Watson, Robert	

**SULLIVAN**

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr
Nielsen, Ellen	Phinizy, James	Skinder, Carla	

and floor amendment (1227h) failed.

Rep. Major voted Nay and intended to vote Yea.

Rep. Vaillancourt offered floor amendment (1214h).

**Floor Amendment (1214h)**

Amend the bill by replacing section 6 with the following:

6 Tobacco Tax; Rate Increase. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$-.80~~] **\$1.08** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

Rep. Almy spoke against.

Rep. Vaillancourt spoke in favor.

Rep. Itse requested a roll call; sufficiently seconded.

**YEAS 93 NAYS 268****YEAS 93****BELKNAP**

Flanders, Donald	Heald, Bruce	Pilliod, James	Tobin, William
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**CARROLL**

Brown, Carolyn	Denley, William	Knox, J. David	Morrow, Harry
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Stevens, Stanley

**CHESHIRE**

Emerson, Susan	Johnson, Jane	Parkhurst, Henry	Pelkey, Stephen
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Plifka, Stanley Jr

**COOS**

Remick, William

**GRAFTON**

Bulis, Lyle	Ingbretson, Paul	Sorg, Gregory	Williams, Burton
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**HILLSBOROUGH**

Bergeron, Jean-Guy	Bergin, Peter	Christiansen, Lars	Crane, Elenore Casey
Day, Russell	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Fletcher, Richard	Fontas, Jeffrey	Gargas, Carolyn	Graham, John
Haefner, Robert	Hall, Betty	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Holden, Randolph	Lawrence, James
Levasseur, Nickolas	Martineau, Jesse	McRae, Karen	Messier, Irene

Moran, Edward  
Rochette, Eric  
Spaulding, Jayne  
Winters, Joel

Ober, Russell III  
Shaw, Barbara  
Sullivan, Francis

Peterson, Andy  
Simon, Anthony  
Ulery, Jordan

Renzullo, Andrew  
Soucy, Connie  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric

Humphries, Charlie

Kidder, David

Lockwood, Priscilla

### ROCKINGHAM

Allen, Mary  
Cali-Pitts, Jacqueline  
Devine, James  
Fesh, Bob  
Itse, Daniel  
McKinney, Betsy  
Sanders, Elisabeth

Baldasaro, Alfred  
Case, Frank  
DiFruscia, Anthony  
Headd, James  
Johnson, Robert  
Nowe, Ronald  
Stiles, Nancy

Bedrick, Jason  
Charron, Gene  
Dumaine, Dudley  
Hutchinson, Karen  
Kappler, Lawrence  
Preston, Mark  
Weare, Everett

Buxton, Donald  
Dalrymple, David  
Elliott, Robert  
Introne, Robert  
Lund, Howie  
Reagan, John

### STRAFFORD

Berube, Roger  
Sprague, Dale

Brennan, William  
Watson, Robert

Brown, Julie

Hofemann, Roland

### SULLIVAN

None

### NAYS 268

### BELKNAP

Allen, Janet  
Millham, Alida  
Thomas, John

Arsenault, Beth  
Nedeau, Stephen  
Tilton, Franklin

Boyce, Laurie  
Reever, Judith  
Wendelboe, Fran

Clark, Charles  
Russell, David  
Whalley, Michael

### CARROLL

Ahlgren, Christopher  
Chandler, Gene  
Patten, Betsey

Bridgman, Robert  
Cunningham, Howard

Buco, Thomas  
Heard, Virginia

Butler, Edward  
Martin, James

### CHESHIRE

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Mitchell, Bonnie  
Sad, Tara

Burridge, Delmar  
Chase, William  
Hunt, John  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Lerandeau, Alfred  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Loll, Thomas  
Robertson, Timothy

### COOS

Hatch, William  
Merrick, Scott

King, Frederick  
Theberge, Robert

Mears, Edgar  
Tholl, John Jr

Merrick, Evalyn  
Thomas, Yvonne

### GRAFTON

Aguiar, James  
Bleyler, Ruth  
Friedrich, Carol  
Laliberte, Suzanne  
Mulholland, Catherine  
Solomon, Peter

Almy, Susan  
Cooney, Mary  
Gionet, Edmond  
Lovett, Sid  
Nordgren, Sharon

Andersen, Gene  
Eaton, Stephanie  
Hammond, Lee  
Matheson, Robert  
Pierce, David

Benn, Bernard  
Estes, Carole  
Harding, A Laurie  
McLeod, Martha  
Preston, Philip

### HILLSBOROUGH

Baroody, Benjamin  
Beck, Catriona  
Christensen, Chris  
Coughlin, Pamela

Barry, Richard  
Brunelle, Michael  
Clark, Mark  
Daler, Jennifer

Batula, Peter  
Campbell, David  
Clemons, Jane  
Daniels, Gary

Beaulieu, Jane  
Chase, Claudia  
Cote, David  
Edwards, Andrew

Emerton, Larry  
 Garrity, Patrick  
 Haley, Robert  
 Hunter, Bruce  
 Jean, Claudette  
 Knowles, John  
 Lasky, Bette  
 Lisle, Carolyn  
 Marshall, Seth  
 Movsesian, Lori  
 Ober, Lynne  
 Reuschel, Michael  
 Shattuck, Gilman  
 Stepanek, Stephen  
 Velez, Hector

Essex, David  
 Goley, Jeffrey  
 Hammond, Jill  
 Infantine, William  
 Jeudy, Jean  
 Knowles, Mary Ann  
 Leishman, Peter  
 Long, Patrick  
 Matarazzo, Anthony Sr  
 O'Brien, Michael Sr  
 Pilotte, Maurice  
 Rosenwald, Cindy  
 Shaw, Kimberly  
 Sullivan, Daniel  
 Villeneuve, Maurice

Forest, Armand  
 Gorman, Mary  
 Harvey, Suzanne  
 Irwin, Anne-Marie  
 Kaelin, Michael  
 Kopka, Angeline  
 Lessard, Rudy  
 Mack, Ron  
 Mesa, Lily  
 O'Connell, Timothy  
 Price, Pamela  
 Rowe, Robert  
 Smith, David  
 Sysyn, Mary

Foster, Linda  
 Hackel, Paul  
 Hebert, Roger  
 Jasper, Shawn  
 Kelley, John  
 Kurk, Neal  
 Levesque, Melanie  
 Manney, Pamela  
 Mooney, Maureen  
 O'Neil, James  
 Reeves, Sandra  
 Schulze, Joan  
 Spratt, Stephen  
 Tahir, Saghir

### MERRIMACK

Baxley, Maureen  
 Brown, Carole  
 DeJoie, John  
 French, Barbara  
 Hess, David  
 McMahon, Patricia  
 Reardon, Tara  
 Shurtleff, Stephen  
 Walz, Mary  
 Yeaton, Charles

Beauchesne, Suzanne  
 Brueggemann, Donald  
 DeStefano, Stephen  
 Gile, Mary  
 Kelly, Sally  
 Osborne, Jessie  
 Reed, Dennis  
 Tilton, John  
 Webb, Leigh

Blanchard, Elizabeth  
 Clarke, Claire  
 Ehlers, Eileen  
 Greco, Vincent  
 Kjellman, Eleanor Glynn  
 Porter, Margaret  
 Richardson, Gary  
 Tupper, Frank  
 Wheeler, Deborah

Bouchard, Candace  
 Davis, Frank  
 Foose, Robert  
 Hamm, Christine  
 MacKay, James  
 Potter, Frances  
 Ryan, Jim  
 Wallner, Mary  
 Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
 Brown, C. Pennington  
 Day, Judith  
 Garcia, Marilinda  
 Griffin, Mary  
 Hopfgarten, Paul  
 Katsakiores, Phyllis  
 Major, Norman  
 McMahon, Charles  
 Packard, Sherman  
 Quandt, Marshall  
 Snow, Richard  
 Wells, Roger

Belanger, Ronald  
 Camm, Kevin  
 Emiro, Frank  
 Garrity, James  
 Grote, Otto  
 Howard, Doreen  
 Kelley, Jane  
 Marsh, Michael  
 Moody, Marcia  
 Pantelakos, Laura  
 Quandt, Matthew  
 Splaine, James  
 Weyler, Kenneth

Bettencourt, David  
 Carson, Sharon  
 Flanders, John Sr  
 Gleason, John  
 Guthrie, Joseph  
 Ingram, Russell  
 Kennedy, James  
 McCarthy, Linda  
 Moore, Bennett  
 Powers, James  
 Rausch, James  
 Waterhouse, Kevin  
 Wickson, Rick

Borden, David  
 Casey, Kimberley  
 Flockhart, Eileen  
 Gould, Kenneth  
 Henson, John  
 Katsakiores, George  
 Kepner, Susan  
 McKenna, Daniel  
 Nord, Susi  
 Priestley, Anne  
 Russell, Trinkia  
 Welch, David  
 Winchell, George

### STRAFFORD

Billian, Deborah  
 Cyr, James  
 Goodwin, Earle  
 Knowles, William  
 Rollo, Deanna  
 Smith, Marjorie

Brown, Larry  
 DeChane, Marlene  
 Hubbard, Pamela  
 Mickelonis, Shawn  
 Rollo, Michael  
 Spang, Judith

Browne, Brendon  
 Domingo, Baldwin  
 Hutz, Sarah  
 Miller, Joseph  
 Rous, Emma  
 Vachon, Dennis

Burke, Rachel  
 Fargo, Thomas  
 Kaen, Naida  
 Perry, Robert  
 Schmidt, Peter  
 Wall, Janet

### SULLIVAN

Cloutier, John  
 Franklin, Peter  
 Nielsen, Ellen

Converse, Larry  
 Gottling, Suzanne  
 Phinzy, James

Donovan, Thomas  
 Houde, Matthew  
 Rodeschin, Beverly

Ferland, Brenda  
 Jillette, Arthur Jr  
 Skinder, Carla

and floor amendment (1214h) failed.  
 Rep. Major offered floor amendment (1226h).



**Floor Amendment (1226h)**

Amend the bill by deleting sections 6-7 and renumbering the original sections 8-56 to read as 6-54, respectively.

Amend the bill by replacing section 54 with the following:

54 Effective Date.

I. Section 5 of this act shall take effect on July 1, 2009 at 12:01 a.m.

II. Section 20 of this act shall take effect on July 1, 2010 at 12:01 a.m.

III. Section 24 of this act shall take effect on July 1, 2009.

IV. Sections 33, 47, and 48 of this act shall take effect upon its passage.

V. Sections 34, 35, 45, and 46 of this act shall take effect January 1, 2008.

VI. Section 49 of this act shall take effect June 30, 2007.

VII. Section 38 of this act shall take effect 60 days after its passage.

VIII. The remainder of this act shall take effect July 1, 2007.

Rep. Hamm spoke against.

Reps. Major, Waterhouse and Wendelboe spoke in favor.

Rep. Whalley requested a roll call; sufficiently seconded.

**YEAS 165 NAYS 197****YEAS 165****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Morrow, Harry	Patten, Betsey
Stevens, Stanley			

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr		

**COOS**

King, Frederick	Remick, William	Tholl, John Jr	
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**GRAFTON**

Andersen, Gene	Bulis, Lyle	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul	Sorg, Gregory	Williams, Burton	

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Edwards, Andrew	Elliott, Nancy	Emerton, Larry
Fletcher, Richard	Fontas, Jeffrey	Gargas, Carolyn	Gorman, Mary
Graham, John	Haefner, Robert	Hall, Betty	Hansen, Ryan
Hawkins, Ken	Hinkle, Peyton	Hogan, Edith	Holden, Randolph
Hunter, Bruce	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Levasseur, Nickolas
Manney, Pamela	Martineau, Jesse	McRae, Karen	Messier, Irene
Mooney, Maureen	Moran, Edward	O'Connell, Timothy	Ober, Lynne
Ober, Russell III	Peterson, Andy	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Shaw, Barbara	Soucy, Connie
Spaulding, Jayne	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel	

**MERRIMACK**

Anderson, Eric  
Lockwood, Priscilla

Hess, David  
MacKay, James

Humphries, Charlie  
Reed, Dennis

Kidder, David  
Tupper, Frank

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Case, Frank  
DiFruscia, Anthony  
Fesh, Bob  
Gleason, John  
Hopfgarten, Paul  
Itse, Daniel  
Katsakiores, Phyllis  
McMahon, Charles  
Preston, Mark  
Rausch, James  
Waterhouse, Kevin  
Weyler, Kenneth

Baldasaro, Alfred  
Buxton, Donald  
Charron, Gene  
Dumaine, Dudley  
Flanders, John Sr  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Robert  
Lund, Howie  
Nowe, Ronald  
Priestley, Anne  
Reagan, John  
Weare, Everett  
Wickson, Rick

Bedrick, Jason  
Camm, Kevin  
Dalrymple, David  
Elliott, Robert  
Garcia, Marilinda  
Guthrie, Joseph  
Ingram, Russell  
Kappler, Lawrence  
Major, Norman  
Packard, Sherman  
Quandt, Marshall  
Sanders, Elisabeth  
Welch, David  
Winchell, George

Belanger, Ronald  
Carson, Sharon  
Devine, James  
Emiro, Frank  
Garrity, James  
Headd, James  
Introne, Robert  
Katsakiores, George  
McKinney, Betsy  
Pearson, Mark  
Quandt, Matthew  
Stiles, Nancy  
Wells, Roger

**STRAFFORD**

Brown, Julie

Browne, Brendon

Watson, Robert

**SULLIVAN**

Ferland, Brenda

Rodeschin, Beverly

**NAYS 197****BELKNAP**

Arsenault, Beth

Pilliod, James

Reever, Judith

**CARROLL**

Bridgman, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Butynski, William  
Espies, Peter  
Richardson, Barbara  
Weed, Charles

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Robertson, Timothy

Butcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Sad, Tara

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Weber, Lucy

**COOS**

Hatch, William  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Preston, Philip

Almy, Susan  
Estes, Carole  
Laliberte, Suzanne  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

Bleyler, Ruth  
Hammond, Lee  
Matheson, Robert  
Pierce, David

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Daler, Jennifer  
Garrity, Patrick  
Hammond, Jill  
Jean, Claudette

Beaulieu, Jane  
Chase, Claudia  
Essex, David  
Goley, Jeffrey  
Harvey, Suzanne  
Jeudy, Jean

Beck, Catriona  
Clemons, Jane  
Forest, Armand  
Hackel, Paul  
Hebert, Roger  
Kaelin, Michael

Brunelle, Michael  
Cote, David  
Foster, Linda  
Haley, Robert  
Irwin, Anne-Marie  
Kelley, John

Knowles, John  
Leishman, Peter  
Mack, Ron  
Movsesian, Lori  
Reuschel, Michael  
Shattuck, Gilman  
Spratt, Stephen  
Velez, Hector

Knowles, Mary Ann  
Levesque, Melanie  
Marshall, Seth  
O'Brien, Michael Sr  
Rochette, Eric  
Shaw, Kimberly  
Sullivan, Daniel

Kopka, Angeline  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
O'Neil, James  
Rosenwald, Cindy  
Simon, Anthony  
Sullivan, Francis

Lasky, Bette  
Long, Patrick  
Mesa, Lily  
Pilotte, Maurice  
Schulze, Joan  
Smith, David  
Sysyn, Mary

### MERRIMACK

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Kelly, Sally  
Porter, Margaret  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Webb, Leigh

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Wheeler, Deborah

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hamm, Christine  
Osborne, Jessie  
Richardson, Gary  
Wallner, Mary  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Casey, Kimberley  
Grote, Otto  
Kepner, Susan  
Moody, Marcia  
Powers, James

Borden, David  
Day, Judith  
Henson, John  
Marsh, Michael  
Moore, Bennett  
Russell, Trink

Brown, C. Pennington  
Flockhart, Eileen  
Howard, Doreen  
McCarthy, Linda  
Nord, Susi  
Snow, Richard

Cali-Pitts, Jacqueline  
Gould, Kenneth  
Kelley, Jane  
McKenna, Daniel  
Pantelakos, Laura  
Splaine, James

### STRAFFORD

Berube, Roger  
Burke, Rachel  
Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Billian, Deborah  
Cyr, James  
Goodwin, Earle  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brennan, William  
DeChane, Marlene  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, Larry  
Domingo, Baldwin  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinzy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

and floor amendment (1226h) failed.

Rep. Kurk offered floor amendment (1217h).

### Floor Amendment (1217h)

Amend the bill by deleting sections 33 and 34 and renumbering the original sections 35-56 to read as 33-54, respectively.

Amend the bill by replacing section 54 with the following:

54 Effective Date.

I. Section 5 of this act shall take effect on July 1, 2009 at 12:01 a.m.

II. Section 22 of this act shall take effect on July 1, 2010 at 12:01 a.m.

III. Section 26 of this act shall take effect on July 1, 2009.

IV. Sections 33, 47, and 48 of this act shall take effect upon its passage.

V. Sections 34, 35, 45, and 46 of this act shall take effect January 1, 2008.

VI. Section 49 of this act shall take effect June 30, 2007.

VII. Section 38 of this act shall take effect 60 days after its passage.

VIII. The remainder of this act shall take effect July 1, 2007.

Rep. Hamm spoke against.

Reps. Kurk and Peterson spoke in favor.

Rep. Whalley requested a roll call; sufficiently seconded.

**YEAS 162 NAYS 197****YEAS 162****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Merrow, Harry	Patten, Betsey
Stevens, Stanley			

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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**COOS**

Remick, William	Tholl, John Jr
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**GRAFTON**

Andersen, Gene	Bulis, Lyle	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul	Solomon, Peter	Sorg, Gregory	Williams, Burton

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Brunelle, Michael	Christensen, Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary	Day, Russell
Elliott, Nancy	Emerton, Larry	Fletcher, Richard	Gargas, Carolyn
Graham, John	Haefner, Robert	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Holden, Randolph	Hunter, Bruce
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mooney, Maureen	Moran, Edward	O'Connell, Timothy	Ober, Lynne
Ober, Russell III	Peterson, Andy	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Simon, Anthony	Smith, David
Soucy, Connie	Spaulding, Jayne	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel

**MERRIMACK**

Anderson, Eric	Blanchard, Elizabeth	DeStefano, Stephen	Hess, David
Humphries, Charlie	Kidder, David	Lockwood, Priscilla	MacKay, James
Reed, Dennis			

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Buxton, Donald	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Garcia, Marilinda	Garrity, James
Gleason, John	Gould, Kenneth	Griffin, Mary	Guthrie, Joseph
Headd, James	Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Kappler, Lawrence
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
McCarthy, Linda	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Pearson, Mark	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reagan, John	Sanders, Elisabeth
Stiles, Nancy	Waterhouse, Kevin	Weare, Everett	Welch, David
Wells, Roger	Weyler, Kenneth	Wickson, Rick	Winchell, George

**STRAFFORD**

Brube, Roger  
Sprague, Dale

Billian, Deborah  
Watson, Robert

Brown, Julie

Rollo, Michael

**SULLIVAN**

Donovan, Thomas

Rodeschin, Beverly

**NAYS 197****BELKNAP**

Arsenault, Beth

Reever, Judith

Wood, Jane

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Butynski, William  
Espiebs, Peter  
Plifka, Stanley Jr  
Sad, Tara

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Robertson, Timothy

**COOS**

Hatch, William  
Merrick, Scott

King, Frederick  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Preston, Philip

Almy, Susan  
Estes, Carole  
Laliberte, Suzanne  
Mulholland, Catherine

Benn, Bernard  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

Bleyler, Ruth  
Hammond, Lee  
Matheson, Robert  
Pierce, David

**HILLSBOROUGH**

Beaulieu, Jane  
Clemons, Jane  
Edwards, Andrew  
Foster, Linda  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
Movsesian, Lori  
Reuschel, Michael  
Shattuck, Gilman  
Sullivan, Daniel

Beck, Catriona  
Cote, David  
Essex, David  
Garrity, Patrick  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Leishman, Peter  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Rochette, Eric  
Shaw, Barbara  
Sullivan, Francis

Campbell, David  
Daler, Jennifer  
Fontas, Jeffrey  
Gorman, Mary  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily  
O'Neil, James  
Rosenwald, Cindy  
Shaw, Kimberly  
Sysyn, Mary

Chase, Claudia  
Dokmo, Cynthia  
Forest, Armand  
Hackel, Paul  
Harvey, Suzanne  
Judy, Jean  
Knowles, Mary Ann  
Levesque, Melanie  
Marshall, Seth  
Messier, Irene  
Pilotte, Maurice  
Schulze, Joan  
Spratt, Stephen  
Velez, Hector

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
Foose, Robert  
Hager, Elizabeth  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Beauchesne, Suzanne  
Clarke, Claire  
French, Barbara  
Hamm, Christine  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Bouchard, Candace  
Davis, Frank  
Gile, Mary  
Kelly, Sally  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Brown, Carole  
Ehlers, Eileen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline
Casey, Kimberley	Day, Judith	Flockhart, Eileen	Grote, Otto
Henson, John	Howard, Doreen	Kelley, Jane	Kennedy, James
Kepner, Susan	Marsh, Michael	McKenna, Daniel	Moody, Marcia
Moore, Bennett	Nord, Susi	Pantelakos, Laura	Powers, James
Russell, Trinka	Snow, Richard	Splaine, James	

**STRAFFORD**

Brennan, William	Brown, Larry	Browne, Brendon	Burke, Rachel
Cyr, James	DeChane, Marlene	Domingo, Baldwin	Fargo, Thomas
Goodwin, Earle	Hofemann, Roland	Hubbard, Pamela	Hutz, Sarah
Kaen, Naida	Knowles, William	Mickelonis, Shawn	Miller, Joseph
Perry, Robert	Rollo, Deanna	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Vachon, Dennis	Wall, Janet

**SULLIVAN**

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr
Nielsen, Ellen	Phinizy, James	Skinder, Carla	

and floor amendment (1217h) failed.

Rep. Hess offered floor amendment (1220h).

**Floor Amendment (1220h)**

Amend the bill by deleting section 24 and renumbering the original sections 25-56 to read as 24-55, respectively.

Amend the bill by replacing section 55 with the following:

55 Effective Date.

I. Section 5 of this act shall take effect on July 1, 2009 at 12:01 a.m.

II. Section 22 of this act shall take effect on July 1, 2010 at 12:01 a.m.

III. Section 25 of this act shall take effect on July 1, 2009.

IV. Sections 34, 48, and 49 of this act shall take effect upon its passage.

V. Sections 35, 36, 46, and 47 of this act shall take effect January 1, 2008.

VI. Section 50 of this act shall take effect June 30, 2007.

VII. Section 39 of this act shall take effect 60 days after its passage.

VIII. The remainder of this act shall take effect July 1, 2007.

Rep. Hess spoke in favor and yielded to questions.

Rep. Marjorie Smith spoke against and yielded to questions.

Rep. Stepanek spoke in favor.

Rep. Hess requested a roll call; sufficiently seconded.

**YEAS 156 NAYS 207****YEAS 156****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Russell, David
Thomas, John	Tobin, William	Wendelboe, Fran	Whalley, Michael

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Knox, J. David
Martin, James	Morrow, Harry	Patten, Betsey	Stevens, Stanley

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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**COOS**

King, Frederick	Merrick, Scott	Remick, William	Tholl, John Jr
Thomas, Yvonne			

**GRAFTON**

Bulis, Lyle  
Sorg, Gregory

Eaton, Stephanie  
Williams, Burton

Gionet, Edmond

Ingbertson, Paul

**HILLSBOROUGH**

Barry, Richard  
Christiansen, Lars  
Daniels, Gary  
Emerton, Larry  
Haefner, Robert  
Hogan, Edith  
Knowles, John  
Lawrence, James  
Mooney, Maureen  
Ober, Russell III  
Rowe, Robert  
Stepanek, Stephen  
Villeneuve, Maurice

Batula, Peter  
Clark, Mark  
Day, Russell  
Fletcher, Richard  
Hansen, Ryan  
Holden, Randolph  
Knowles, Mary Ann  
Lessard, Rudy  
O'Connell, Timothy  
Price, Pamela  
Smith, David  
Tahir, Saghir

Bergeron, Jean-Guy  
Coughlin, Pamela  
Drisko, Richard  
Gargas, Carolyn  
Hawkins, Ken  
Hunter, Bruce  
Kurk, Neal  
Manney, Pamela  
O'Neil, James  
Reeves, Sandra  
Soucy, Connie  
Ulery, Jordan

Christensen, Chris  
Crane, Elenore Casey  
Elliott, Nancy  
Graham, John  
Hinkle, Peyton  
Jasper, Shawn  
L'Heureux, Robert  
McRae, Karen  
Ober, Lynne  
Renzullo, Andrew  
Spaulding, Jayne  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Humphries, Charlie

Baxley, Maureen  
Lockwood, Priscilla

Blanchard, Elizabeth  
MacKay, James

Hess, David  
Reed, Dennis

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Case, Frank  
DiFruscia, Anthony  
Fesh, Bob  
Gleason, John  
Headd, James  
Introne, Robert  
Katsakiores, George  
McCarthy, Linda  
Packard, Sherman  
Quandt, Matthew  
Stiles, Nancy  
Wells, Roger

Baldasaro, Alfred  
Buxton, Donald  
Charron, Gene  
Dumaine, Dudley  
Flanders, John Sr  
Gould, Kenneth  
Hopfgarten, Paul  
Itse, Daniel  
Katsakiores, Phyllis  
McKenna, Daniel  
Pearson, Mark  
Rausch, James  
Waterhouse, Kevin  
Weyler, Kenneth

Bedrick, Jason  
Camm, Kevin  
Dalrymple, David  
Elliott, Robert  
Garcia, Marilinda  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Robert  
Lund, Howie  
McMahon, Charles  
Priestley, Anne  
Reagan, John  
Weare, Everett  
Wickson, Rick

Belanger, Ronald  
Carson, Sharon  
Devine, James  
Emiro, Frank  
Garrity, James  
Guthrie, Joseph  
Ingram, Russell  
Kappler, Lawrence  
Major, Norman  
Nowe, Ronald  
Quandt, Marshall  
Sanders, Elisabeth  
Welch, David  
Winchell, George

**STRAFFORD**

Berube, Roger  
Hubbard, Pamela

Billian, Deborah  
Mickelonis, Shawn

Brennan, William  
Watson, Robert

Brown, Julie

**SULLIVAN**

Rodeschin, Beverly

**NAYS 207****BELKNAP**

Arsenault, Beth  
Wood, Jane

Pilliod, James

Reever, Judith

Tilton, Franklin

**CARROLL**

Bridgham, Robert  
Denley, William

Buco, Thomas  
Heard, Virginia

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Butynski, William

Burridge, Delmar  
Chase, William

Butcher, Suzanne  
Dunn, J. Timothy

Butterworth, Timothy  
Eaton, Daniel

Espiefs, Peter  
Parkhurst, Henry  
Robertson, Timothy

Lerandeau, Alfred  
Pliifka, Stanley Jr  
Sad, Tara

Loll, Thomas  
Richardson, Barbara  
Weber, Lucy

Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

## COOS

Hatch, William

Mears, Edgar

Merrick, Evalyn

Theberge, Robert

## GRAFTON

Aguiar, James  
Bleyler, Ruth  
Harding, A Laurie  
McLeod, Martha  
Preston, Philip

Almy, Susan  
Cooney, Mary  
Laliberte, Suzanne  
Mulholland, Catherine  
Solomon, Peter

Andersen, Gene  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon

Benn, Bernard  
Hammond, Lee  
Matheson, Robert  
Pierce, David

## HILLSBOROUGH

Baroody, Benjamin  
Brunelle, Michael  
Cote, David  
Essex, David  
Garrrity, Patrick  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Leishman, Peter  
Long, Patrick  
Matarazzo, Anthony Sr  
Movesian, Lori  
Reuschel, Michael  
Shattuck, Gilman  
Spratt, Stephen  
Velez, Hector

Beaulieu, Jane  
Campbell, David  
Daler, Jennifer  
Fontas, Jeffrey  
Goley, Jeffrey  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily  
O'Brien, Michael Sr  
Rochette, Eric  
Shaw, Barbara  
Sullivan, Daniel  
Winters, Joel

Beck, Catriona  
Chase, Claudia  
Dokmo, Cynthia  
Forest, Armand  
Gorman, Mary  
Hammond, Jill  
Jean, Claudette  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
Messier, Irene  
Peterson, Andy  
Rosenwald, Cindy  
Shaw, Kimberly  
Sullivan, Francis

Bergin, Peter  
Clemons, Jane  
Edwards, Andrew  
Foster, Linda  
Hackel, Paul  
Harvey, Suzanne  
Judy, Jean  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
Moran, Edward  
Pilotte, Maurice  
Schulze, Joan  
Simon, Anthony  
Sysyn, Mary

## MERRIMACK

Beauchesne, Suzanne  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kidder, David  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kelly, Sally  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

## ROCKINGHAM

Abbott, Dennis  
Casey, Kimberley  
Henson, John  
Kepner, Susan  
Moore, Bennett  
Russell, Trink

Borden, David  
Day, Judith  
Howard, Doreen  
Marsh, Michael  
Nord, Susi  
Snow, Richard

Brown, C. Pennington  
Flockhart, Eileen  
Kelley, Jane  
McKinney, Betsy  
Pantelakos, Laura  
Splaine, James

Cali-Pitts, Jacqueline  
Grote, Otto  
Kennedy, James  
Moody, Marcia  
Powers, James

## STRAFFORD

Brown, Larry  
DeChane, Marlene  
Hofemann, Roland  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Browne, Brendon  
Domingo, Baldwin  
Hutz, Sarah  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Burke, Rachel  
Fargo, Thomas  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Cyr, James  
Goodwin, Earle  
Knowles, William  
Rollo, Michael  
Spang, Judith



**SULLIVAN**

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew
Jillette, Arthur Jr	Nielsen, Ellen	Phinizy, James	Skinder, Carla

and floor amendment (1220h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.  
Rep. Kurk spoke against.

Rep. Marjorie Smith spoke in favor.

Rep. Daniels requested a roll call; sufficiently seconded.

**YEAS 202 NAYS 151****YEAS 202****BELKNAP**

Arsenault, Beth	Pilliod, James	Reever, Judith	Wood, Jane
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**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
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Heard, Virginia

**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Eaton, Daniel	Espiefs, Peter
Lerandeau, Alfred	Loll, Thomas	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

**COOS**

Hatch, William	Mears, Edgar	Merrick, Evalyn	Merrick, Scott
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Thomas, Yvonne

**GRAFTON**

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Estes, Carole	Hammond, Lee	Harding, A Laurie
Laliberte, Suzanne	Lovett, Sid	Matheson, Robert	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Pierce, David	Preston, Philip

Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Brunelle, Michael
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, David
Daler, Jennifer	Edwards, Andrew	Essex, David	Fontas, Jeffrey
Forest, Armand	Foster, Linda	Garrity, Patrick	Goley, Jeffrey
Gorman, Mary	Hackel, Paul	Haley, Robert	Hall, Betty
Hammond, Jill	Harvey, Suzanne	Hebert, Roger	Irwin, Anne-Marie
Jean, Claudette	Kaelin, Michael	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette	Leishman, Peter
Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn	Long, Patrick
Mack, Ron	Marshall, Seth	Martineau, Jesse	Mesa, Lily
Messier, Irene	Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James
Pilotte, Maurice	Reuschel, Michael	Rochette, Eric	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Simon, Anthony	Smith, David	Spratt, Stephen	Sullivan, Daniel
Sullivan, Francis	Sysyn, Mary	Velez, Hector	

**MERRIMACK**

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank

DeJoie, John  
French, Barbara  
Hamm, Christine  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

DeStefano, Stephen  
Gile, Mary  
Kelly, Sally  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Ehlers, Eileen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Foose, Robert  
Hager, Elizabeth  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

### ROCKINGHAM

Abbott, Dennis  
Casey, Kimberley  
Henson, John  
Marsh, Michael  
Nord, Susi  
Snow, Richard

Borden, David  
Day, Judith  
Howard, Doreen  
McCarthy, Linda  
Pantelakos, Laura  
Splaine, James

Brown, C. Pennington  
Flockhart, Eileen  
Kennedy, James  
McKenna, Daniel  
Powers, James

Cali-Pitts, Jacqueline  
Grote, Otto  
Kepner, Susan  
Moody, Marcia  
Russell, Trinka

### STRAFFORD

Berube, Roger  
Burke, Rachel  
Fargo, Thomas  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Billian, Deborah  
Cyr, James  
Goodwin, Earle  
Knowles, William  
Rollo, Michael  
Spang, Judith

Brennan, William  
DeChane, Marlene  
Hubbard, Pamela  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Brown, Larry  
Domingo, Baldwin  
Hutz, Sarah  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

### NAYS 151

#### BELKNAP

Allen, Janet  
Heald, Bruce  
Thomas, John  
Whalley, Michael

Boyce, Laurie  
Millham, Alida  
Tilton, Franklin

Clark, Charles  
Nedeau, Stephen  
Tobin, William

Flanders, Donald  
Russell, David  
Wendelboe, Fran

### CARROLL

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Morrow, Harry

Denley, William  
Patten, Betsey

### CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

### COOS

King, Frederick

Remick, William

Tholl, John Jr

### GRAFTON

Andersen, Gene  
Ingbreton, Paul

Bulis, Lyle  
Sorg, Gregory

Eaton, Stephanie  
Williams, Burton

Gionet, Edmond

### HILLSBOROUGH

Barry, Richard  
Christensen, Chris  
Crane, Elenore Casey  
Drisko, Richard  
Gargas, Carolyn

Batula, Peter  
Christiansen, Lars  
Daniels, Gary  
Elliott, Nancy  
Graham, John

Bergeron, Jean-Guy  
Clark, Mark  
Day, Russell  
Emerton, Larry  
Haefner, Robert

Bergin, Peter  
Coughlin, Pamela  
Dokmo, Cynthia  
Fletcher, Richard  
Hansen, Ryan

Hawkins, Ken  
 Hunter, Bruce  
 Lawrence, James  
 Mooney, Maureen  
 Ober, Russell III  
 Renzullo, Andrew  
 Stepanek, Stephen  
 Villeneuve, Maurice

Hinkle, Peyton  
 Jasper, Shawn  
 Lessard, Rudy  
 Moran, Edward  
 Peterson, Andy  
 Rowe, Robert  
 Tahir, Saghir  
 Winters, Joel

Hogan, Edith  
 Kurk, Neal  
 Manney, Pamela  
 O'Connell, Timothy  
 Price, Pamela  
 Soucy, Connie  
 Ulery, Jordan

Holden, Randolph  
 L'Heureux, Robert  
 McRae, Karen  
 Ober, Lynne  
 Reeves, Sandra  
 Spaulding, Jayne  
 Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
 Lockwood, Priscilla

Hess, David  
 MacKay, James

Humphries, Charlie  
 Reed, Dennis

Kidder, David

### ROCKINGHAM

Allen, Mary  
 Bettencourt, David  
 Case, Frank  
 Dumaine, Dudley  
 Flanders, John Sr  
 Gould, Kenneth  
 Hopfgarten, Paul  
 Johnson, Robert  
 Lund, Howie  
 Nowe, Ronald  
 Quandt, Marshall  
 Sanders, Elisabeth  
 Welch, David  
 Winchell, George

Baldasaro, Alfred  
 Buxton, Donald  
 Charron, Gene  
 Elliott, Robert  
 Garcia, Marilinda  
 Griffin, Mary  
 Hutchinson, Karen  
 Kappler, Lawrence  
 Major, Norman  
 Packard, Sherman  
 Quandt, Matthew  
 Stiles, Nancy  
 Wells, Roger

Bedrick, Jason  
 Camm, Kevin  
 Dalrymple, David  
 Emiro, Frank  
 Garrity, James  
 Guthrie, Joseph  
 Ingram, Russell  
 Katsakiores, George  
 McKinney, Betsy  
 Pearson, Mark  
 Rausch, James  
 Waterhouse, Kevin  
 Weyler, Kenneth

Belanger, Ronald  
 Carson, Sharon  
 Devine, James  
 Fesh, Bob  
 Gleason, John  
 Headd, James  
 Itse, Daniel  
 Katsakiores, Phyllis  
 McMahon, Charles  
 Priestley, Anne  
 Reagan, John  
 Weare, Everett  
 Wickson, Rick

### STRAFFORD

Brown, Julie

Hofemann, Roland

Watson, Robert

### SULLIVAN

Ferland, Brenda  
 and the majority committee report was adopted.  
 Ordered to third reading.

Rodeschin, Beverly

### **HB 43, relative to the procedure for establishing medicaid reimbursement rates. OUGHT TO PASS WITH AMENDMENT.**

Rep. John DeJoie for Finance: This bill is the result of a study committee from the summer of 2006. The bill makes changes to the Medicaid Rate Setting process to provide increased transparency to providers and consumers. The House has already passed the policy in this bill. During the work session, Finance Division III received testimony regarding Medicaid rate changes to a particular service code, relating to hospital based physician billing. HHS is moving ahead with this rate change, which they believe will save \$5,000,000 as a result. The Governor did not include the HHS savings from this initiative in the budget. As a result of the significant difference between the HHS estimates of savings versus the hospitals' estimated losses, the committee determined that the most prudent action was to prevent action on this single rate code pending further study of the issue. The amendment from the committee authorized the rate setting changes previously approved by the House, except for the hospital based physicians, which it puts a moratorium on changing, until the completion of the study committee's work. The study committee is directed to finish its report by November 2007. Vote 18-6.

### **Amendment (0745h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the procedure for establishing Medicaid reimbursement rates, establishing a committee to study Medicaid payments for hospital-based physician and outpatient services, and establishing a moratorium on certain reimbursement policy changes pending the results of the study.

Amend the bill by replacing all after section 1 with the following:

2 Committee Established. There is established a committee to study Medicaid payments for hospital-based physician and outpatient services.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall study current Medicaid reimbursement policies for hospital-based physician and outpatient services billed using the National Uniform Billing Committee Revenue Code 510, including differences in billing instructions from the New Hampshire Medicaid program and the Centers for Medicare and Medicaid Services (CMS) for comparable services covered by Medicare.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 15th, 2007.

7 Moratorium. Notwithstanding any law to the contrary, there shall be a moratorium on reimbursement policy changes for hospital-based physician and outpatient services billed using the National Uniform Billing Committee Revenue Code 510 until the committee has reported its findings and recommendations.

8 Effective Date. This act shall take effect upon passage.

#### AMENDED ANALYSIS

This bill:

I. Directs the department of health and human services to review medicaid reimbursement rates every 2 years and establishes certain reporting requirements relative to such rates.

II. Establishes a committee to study Medicaid payments for hospital-based physician and outpatient services billed using the National Uniform Billing Committee Revenue Code 510 and establishes a moratorium on reimbursement changes for such services pending the results of the study.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 407-FN-A**, relative to assistance for milk producers. **OUGHT TO PASS WITH AMENDMENT.** Rep. Lynne M. Ober for Finance: This bill is the first part of a two step process to ensure that New Hampshire not only will retain as many dairy farms as possible, but ensure agricultural viability. New York and Vermont have already enacted similar emergency dairy relief. The Committee was presented with testimony outlining the drastic losses incurred by dairy farmers in 2006, not only due to bad weather, which caused crop failure and the necessity to replant, but also huge increases in fuel, feed and energy costs. Contrary to popular belief, milk prices are set nationally by the federal government and are not determined by the marketplace. These prices do not take into account regional factors and hardships such as weather. In 2006, New Hampshire's dairy farmers saw the lowest milk prices in 25 years, yet retail prices of milk have remained constant, varying no more than five or ten cents per gallon. In fact, the price of milk has always been heavily regulated for the benefit of the consumer, despite skyrocketing costs at the farm. The funds made available through this bill (\$3 million) will in no way compensate these farmers for all their losses, but will act as a bridge in providing them with necessary funds for spring planting. Vote 22-0.

#### Amendment (1106h)

Amend RSA 184-B:2, V as inserted by section 1 of the bill by replacing it with the following:

V. When applying for assistance, a milk producer shall sign an agreement to reimburse the department of agriculture, markets, and food for payments if the producer disperses the herd or reduces herd production by more than 50 percent by July 1, 2009. Funds collected by the department in the form of a reimbursement shall be deposited into the general fund.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.  
Rep. Cunningham requested a roll call; sufficiently seconded.

## YEAS 325 NAYS 28

### YEAS 325

#### BELKNAP

Allen, Janet	Arsenault, Beth	Boyce, Laurie	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Pilliod, James	Reever, Judith
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Wood, Jane		

#### CARROLL

Ahlgren, Christopher	Bridgham, Robert	Brown, Carolyn	Buco, Thomas
Butler, Edward	Cunningham, Howard	Heard, Virginia	Knox, J. David
Martin, James	Merrow, Harry	Patten, Betsey	Stevens, Stanley

#### CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Emerson, Susan	Espiefs, Peter	Hunt, John	Johnson, Jane
Lerandeau, Alfred	Loll, Thomas	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sad, Tara	Weber, Lucy	Weed, Charles

#### COOS

Hatch, William	King, Frederick	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Remick, William	Theberge, Robert	Tholl, John Jr
Thomas, Yvonne			

#### GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Bulis, Lyle	Cooney, Mary	Eaton, Stephanie
Estes, Carole	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	Laliberte, Suzanne	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip	Solomon, Peter	Williams, Burton	

#### HILLSBOROUGH

Baroody, Benjamin	Barry, Richard	Batula, Peter	Beaulieu, Jane
Beck, Catriona	Bergeron, Jean-Guy	Bergin, Peter	Brunelle, Michael
Campbell, David	Chase, Claudia	Christensen, Chris	Clark, Mark
Clemons, Jane	Cote, David	Coughlin, Pamela	Crane, Elenore Casey
Daler, Jennifer	Day, Russell	Dokmo, Cynthia	Edwards, Andrew
Elliott, Nancy	Emerton, Larry	Essex, David	Fontas, Jeffrey
Forest, Armand	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Goley, Jeffrey	Gorman, Mary	Graham, John	Hackel, Paul
Haefner, Robert	Haley, Robert	Hall, Betty	Hammond, Jill
Hansen, Ryan	Harvey, Suzanne	Hebert, Roger	Hinkle, Peyton
Hogan, Edith	Holden, Randolph	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Jeady, Jean	Kaelin, Michael	Kelley, John
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lawrence, James	Leishman, Peter
Lessard, Rudy	Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn
Long, Patrick	Mack, Ron	Manney, Pamela	Marshall, Seth
Martineau, Jesse	Matarazzo, Anthony Sr	McRae, Karen	Mesa, Lily
Messier, Irene	Mooney, Maureen	Movsesian, Lori	O'Brien, Michael Sr

O'Connell, Timothy  
 Peterson, Andy  
 Rochette, Eric  
 Shattuck, Gilman  
 Smith, David  
 Stepanek, Stephen  
 Tahir, Saghir

O'Neil, James  
 Pilote, Maurice  
 Rosenwald, Cindy  
 Shaw, Barbara  
 Soucy, Connie  
 Sullivan, Daniel  
 Ulery, Jordan

Ober, Lynne  
 Reeves, Sandra  
 Rowe, Robert  
 Shaw, Kimberly  
 Spaulding, Jayne  
 Sullivan, Francis  
 Velez, Hector

Ober, Russell III  
 Reuschel, Michael  
 Schulze, Joan  
 Simon, Anthony  
 Spratt, Stephen  
 Sysyn, Mary

### MERRIMACK

Anderson, Eric  
 Bouchard, Candace  
 Davis, Frank  
 Foose, Robert  
 Hager, Elizabeth  
 Kjellman, Eleanor Glynn  
 Osborne, Jessie  
 Reed, Dennis  
 Tilton, Joy  
 Webb, Leigh

Baxley, Maureen  
 Brown, Carole  
 DeJoie, John  
 French, Barbara  
 Hamm, Christine  
 Lockwood, Priscilla  
 Porter, Margaret  
 Richardson, Gary  
 Tupper, Frank  
 Wheeler, Deborah

Beauchesne, Suzanne  
 Brueggemann, Donald  
 DeStefano, Stephen  
 Gile, Mary  
 Kelly, Sally  
 MacKay, James  
 Potter, Frances  
 Ryan, Jim  
 Wallner, Mary  
 Williams, Robert

Blanchard, Elizabeth  
 Clarke, Claire  
 Ehlers, Eileen  
 Greco, Vincent  
 Kidder, David  
 McMahon, Patricia  
 Reardon, Tara  
 Shurtleff, Stephen  
 Walz, Mary  
 Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
 Borden, David  
 Carson, Sharon  
 Dalrymple, David  
 Emiro, Frank  
 Garcia, Marilinda  
 Griffin, Mary  
 Henson, John  
 Johnson, Robert  
 Kepner, Susan  
 McCarthy, Linda  
 Moody, Marcia  
 Powers, James  
 Rausch, James  
 Snow, Richard  
 Weare, Everett  
 Wickson, Rick

Allen, Mary  
 Brown, C. Pennington  
 Case, Frank  
 Day, Judith  
 Fesh, Bob  
 Garrity, James  
 Grote, Otto  
 Howard, Doreen  
 Katsakiores, George  
 Lund, Howie  
 McKenna, Daniel  
 Nord, Susi  
 Priestley, Anne  
 Reagan, John  
 Splaine, James  
 Welch, David  
 Winchell, George

Belanger, Ronald  
 Buxton, Donald  
 Casey, Kimberley  
 DiFruscia, Anthony  
 Flanders, John Sr  
 Gleason, John  
 Guthrie, Joseph  
 Hutchinson, Karen  
 Katsakiores, Phyllis  
 Major, Norman  
 McKinney, Betsy  
 Nowe, Ronald  
 Quandt, Marshall  
 Russell, Trinkia  
 Stiles, Nancy  
 Wells, Roger

Bettencourt, David  
 Camm, Kevin  
 Charron, Gene  
 Dumaine, Dudley  
 Flockhart, Eileen  
 Gould, Kenneth  
 Headd, James  
 Ingram, Russell  
 Kennedy, James  
 Marsh, Michael  
 McMahon, Charles  
 Pantelakos, Laura  
 Quandt, Matthew  
 Sanders, Elisabeth  
 Waterhouse, Kevin  
 Weyler, Kenneth

### STRAFFORD

Berube, Roger  
 Browne, Brendon  
 Fargo, Thomas  
 Hutz, Sarah  
 Perry, Robert  
 Schmidt, Peter  
 Wall, Janet

Billian, Deborah  
 Burke, Rachel  
 Goodwin, Earle  
 Kaen, Naida  
 Rollo, Deanna  
 Smith, Marjorie  
 Watson, Robert

Brennan, William  
 DeChane, Marlene  
 Hofemann, Roland  
 Knowles, William  
 Rollo, Michael  
 Spang, Judith

Brown, Larry  
 Domingo, Baldwin  
 Hubbard, Pamela  
 Miller, Joseph  
 Rous, Emma  
 Sprague, Dale

### SULLIVAN

Converse, Larry  
 Gagnon, Raymond  
 Nielsen, Ellen

Donovan, Thomas  
 Gottling, Suzanne  
 Phinizy, James

Ferland, Brenda  
 Houde, Matthew  
 Rodeschin, Beverly

Franklin, Peter  
 Jillette, Arthur Jr  
 Skinder, Carla

### NAYS 28

### BELKNAP

Clark, Charles

Heald, Bruce

Whalley, Michael

**CARROLL**

Denley, William

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

Sorg, Gregory

**HILLSBOROUGH**Christiansen, Lars  
Hawkins, Ken  
Vaillancourt, SteveDaniels, Gary  
Moran, Edward  
Villeneuve, MauriceDrisko, Richard  
Price, Pamela  
Winters, JoelFletcher, Richard  
Renzullo, Andrew**MERRIMACK**

Hess, David

Humphries, Charlie

**ROCKINGHAM**Baldasaro, Alfred  
Hopfgarten, PaulBedrick, Jason  
Itse, DanielDevine, James  
Kappler, LawrenceElliott, Robert  
Pearson, Mark**STRAFFORD**

Cyr, James

Vachon, Dennis

**SULLIVAN**

None

and the committee report was adopted.  
Ordered to third reading.

**HB 488-FN-A-L**, relative to the state chief medical examiner and medico-legal death investigations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter R. Leishman for Finance: This bill repeals RSA 611, relative to medical examiners, and RSA 611-A, relative to the office of the chief medical examiner. The bill recodifies the responsibilities of the office of the chief medical examiner and the procedure for medico-legal death investigations in one new chapter, RSA 611-B. This legislation is the result of a comprehensive study by members of the House and Senate, and representatives from the justice department, office of the chief medical examiner, county government, funeral home directors, and crematory operators. With the passage of this legislation, the state will conduct all autopsies and medical examinations and county governments will be removed from this responsibility, and all costs borne by the counties for autopsies and medical investigations (more than \$550,000) will end. This legislation will also improve communications between police authorities, funeral homes and family members as all investigations will be conducted by the chief medical examiner's office. Additionally, the confusion regarding the payments to funeral homes for their services will be eliminated. Vote 23-0.

**Amendment (0975h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the state chief medical examiner and medico-legal death investigations and making an appropriation to the department of justice for autopsy costs.

Amend RSA 611-B:27-28 as inserted by section 1 of the bill by replacing them with the following:  
611-B:27 Assistant Deputy Medical Examiner Accounts.

I. Assistant deputy medical examiners shall be paid at the following rates: telephone consultations - \$25; death investigations involving an external examination of the body - \$140, plus mileage at the state rate; pre-cremation examinations conducted pursuant to RSA 325-A:18 - \$50.

II. Assistant deputy medical examiners shall submit all claims for telephone consultation fees, death investigation fees and expenses, and pre-cremation examination fees to the office of the chief medical examiner, which shall authorize such claims and submit them for payment to the state

treasurer, chargeable to the medico-legal investigation fund established pursuant to RSA 611-B:28. On a monthly basis, the office of the chief medical examiner shall bill each of the counties for the services provided to that county by the assistant deputy medical examiners during the previous month, and any body transportation costs associated with the billed services, as provided under RSA 611-B:15, I. Services shall be billed at the following rates: telephone consultation - \$34; death investigation - \$149; travel expenses - the state mileage rate. The county treasurer shall submit payment to the state treasurer, for deposit in the medico-legal investigation fund.

**611-B:28 Medico-Legal Investigation Fund.**

I. There is established in the office of the state treasurer a nonlapsing fund to be known as the medico-legal investigation fund, which shall be kept distinct and separate from all other funds. The medico-legal investigation fund is established to receive all fees paid to the state related to medico-legal investigations and reports, to pay fees due to assistant deputy medical examiners for investigations conducted related administrative salaries, and the costs of recruitment, training, administration, and supervision of assistant deputy medical examiners.

II. The treasurer shall deposit in the medico-legal investigation fund all fees collected by the department of justice, office of the chief medical examiner pursuant to RSA 611-B. The treasurer shall also deposit in the medico-legal investigation fund such other funds received under state or federal law, or donated to the state by private parties, for the purposes related to medico-legal investigations, the recruitment, training, administration, and supervision of assistant deputy medical examiners, and related technology projects and improvements, and the treasurer shall credit any interest or income earned on moneys on deposit to the fund.

III. The attorney general is authorized to accept, budget, and expend moneys in the medico-legal investigation fund received from any party without the approval of the governor and council for the purposes of paying fees due by law to assistant deputy medical examiners, and for recruitment, training, administration, and supervision of assistant deputy medical examiners, administrative support costs, and related information technology.

IV. All moneys in the medico-legal investigation fund shall be continually appropriated to the department of justice and shall not lapse.

V. The treasurer, upon approval of the attorney general, shall pay assistant deputy medical examiners fees to which they are entitled by law, the expenses of recruiting, training, administering, and supervising assistant deputy medical examiners, administrative support costs, and the expenses of related information technology.

VI. The attorney general shall include the medico-legal investigation fund in the department budget submitted pursuant to RSA 9:4.

Amend the bill by inserting after section 16 the following and renumbering the original sections 17-18 to read as 19-20, respectively:

17 Administrative Support Position Established. The department of justice shall have the authority to hire a full-time support person in a supervisor II position at labor grade 21, who shall be responsible for administrative duties associated with the office of the chief medical examiner. The position shall be funded through the medico-legal investigation fund established in RSA 611-B:28.

18 Appropriation. There is hereby appropriated the sum of \$181,000 for the fiscal year ending June 30, 2008, and the sum of \$204,000 for the fiscal year ending June 30, 2009, to the department of justice for autopsy expenses. The appropriation in this section shall be in addition to any other sums appropriated to the department for such purpose. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

**AMENDED ANALYSIS**

This bill:

I. Repeals RSA 611, relative to medical examiners, and RSA 611-A, relative to the office of chief medical examiner, and recodifies the responsibilities of the office of the chief medical examiner and the procedure for medico-legal death investigations in one new chapter, RSA 611-B.

II. Establishes a classified administrative support position for the office of chief medical examiner.

III. Makes an appropriation to the department of justice for autopsy costs.

Rep. Rochette spoke in favor.

Amendment adopted.

Committee report adopted and ordered to third reading.



**HB 498-FN-A**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A. Foose for Finance: This bill continues to dedicate certain OHRV and small snowmobile unrefunded road tolls to the Fish and Game Department and the Bureau of Trails. The bill increases the average estimated purchase of gas from 50 to 100 gallons and directs that the increase in funds resulting from the change in assumption be directed to the Fish and Game Department to provide badly needed additional funds. Vote 23-0.

#### **Amendment (0985h)**

Amend the bill by replacing section 1 with the following:

1 Road Tolls; Credit Provided; OHRV and Snowmobiles; Fish and Game Department Use.  
Amend RSA 260:61, I to read as follows:

1. Annually on or before June 30 the state treasurer shall transfer, from road tolls collected, an amount equal to the number of licensed OHRVs and snowmobiles for the previous year times the average number of gallons consumed per year per OHRV and snowmobile times the gasoline road toll imposed under RSA 260:32, less any amount refunded for OHRV and snowmobile use for the previous year, to the *fish and game department and the bureau of trails as follows. The road toll administrator shall report to the state treasurer if there is a balance of unrefunded road tolls collected. The administrator shall certify the amount to the state treasurer who shall credit ½ of such balance to the bureau of trails for use as provided in paragraph I-a, and ½ of such balance to the fish and game department.* For the purposes of this section, "the average number of gallons consumed per year per OHRV or snowmobile" is [56] 100.

*I-a.* The bureau shall use 66 2/3 percent of the amount credited for grants under its grant-in-aid program, and 33 1/3 percent for general operating expenses and expenses incurred in administering and supervising the grant-in-aid program. Any balances in the funds hereby transferred shall not lapse at the end of the fiscal year but shall remain in the OHRV and snowmobile fund.  
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.  
Rep. Abbott requested a roll call; sufficiently seconded.

#### **YEAS 267 NAYS 85**

##### **YEAS 267**

##### **BELKNAP**

Arsenault, Beth	Heald, Bruce	Millham, Alida	Pilliod, James
Reever, Judith	Russell, David	Wood, Jane	

##### **CARROLL**

Bridgham, Robert	Brown, Carolyn	Buco, Thomas	Butler, Edward
Cunningham, Howard	Denley, William	Heard, Virginia	Knox, J. David
Morrow, Harry			

##### **CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Lerandeau, Alfred	Loll, Thomas	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sad, Tara	Weber, Lucy	Weed, Charles

##### **COOS**

Hatch, William	Mears, Edgar	Merrick, Evalyn	Merrick, Scott
Remick, William	Theberge, Robert	Tholl, John Jr	Thomas, Yvonne

##### **GRAFTON**

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Bulis, Lyle	Cooney, Mary	Estes, Carole
Hammond, Lee	Harding, A Laurie	Laliberte, Suzanne	Lovett, Sid
Matheson, Robert	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Pierce, David	Preston, Philip	Solomon, Peter	Williams, Burton

**HILLSBOROUGH**

Baroody, Benjamin  
 Bergin, Peter  
 Christensen, Chris  
 Dokmo, Cynthia  
 Fletcher, Richard  
 Gargas, Carolyn  
 Hackel, Paul  
 Hebert, Roger  
 Jean, Claudette  
 Knowles, John  
 L'Heureux, Robert  
 Levasseur, Nickolas  
 Mack, Ron  
 Mesa, Lily  
 O'Connell, Timothy  
 Peterson, Andy  
 Rosenwald, Cindy  
 Shaw, Kimberly  
 Spratt, Stephen  
 Sysyn, Mary

Barry, Richard  
 Brunelle, Michael  
 Clemons, Jane  
 Edwards, Andrew  
 Fontas, Jeffrey  
 Garrity, Patrick  
 Haley, Robert  
 Hinkle, Peyton  
 Judy, Jean  
 Knowles, Mary Ann  
 Lasky, Bette  
 Levesque, Melanie  
 Marshall, Seth  
 Messier, Irene  
 O'Neil, James  
 Pilote, Maurice  
 Schulze, Joan  
 Simon, Anthony  
 Stepanek, Stephen  
 Velez, Hector

Beaulieu, Jane  
 Campbell, David  
 Cote, David  
 Emerton, Larry  
 Forest, Armand  
 Goley, Jeffrey  
 Hammond, Jill  
 Holden, Randolph  
 Kaelin, Michael  
 Kopka, Angeline  
 Lawrence, James  
 Lisle, Carolyn  
 Martineau, Jesse  
 Movsesian, Lori  
 Ober, Lynne  
 Reuschel, Michael  
 Shattuck, Gilman  
 Smith, David  
 Sullivan, Daniel  
 Winters, Joel

Beck, Catriona  
 Chase, Claudia  
 Daler, Jennifer  
 Essex, David  
 Foster, Linda  
 Gorman, Mary  
 Harvey, Suzanne  
 Irwin, Anne-Marie  
 Kelley, John  
 Kurk, Neal  
 Leishman, Peter  
 Long, Patrick  
 Matarazzo, Anthony Sr  
 O'Brien, Michael Sr  
 Ober, Russell III  
 Rochette, Eric  
 Shaw, Barbara  
 Spaulding, Jayne  
 Sullivan, Francis

**MERRIMACK**

Anderson, Eric  
 Bouchard, Candace  
 Davis, Frank  
 French, Barbara  
 Hamm, Christine  
 Kjellman, Eleanor Glynn  
 Osborne, Jessie  
 Reed, Dennis  
 Tilton, Joy  
 Webb, Leigh

Baxley, Maureen  
 Brown, Carole  
 DeStefano, Stephen  
 Gile, Mary  
 Hess, David  
 Lockwood, Priscilla  
 Porter, Margaret  
 Richardson, Gary  
 Tupper, Frank  
 Wheeler, Deborah

Beauchesne, Suzanne  
 Brueggemann, Donald  
 Ehlers, Eileen  
 Greco, Vincent  
 Kelly, Sally  
 MacKay, James  
 Potter, Frances  
 Ryan, Jim  
 Wallner, Mary  
 Williams, Robert

Blanchard, Elizabeth  
 Clarke, Claire  
 Foose, Robert  
 Hager, Elizabeth  
 Kidder, David  
 McMahon, Patricia  
 Reardon, Tara  
 Shurtleff, Stephen  
 Walz, Mary  
 Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
 Case, Frank  
 DiFruscia, Anthony  
 Grote, Otto  
 Johnson, Robert  
 Kelley, Jane  
 Marsh, Michael  
 Moody, Marcia  
 Pantelakos, Laura  
 Reagan, John  
 Splaine, James

Borden, David  
 Casey, Kimberley  
 Flockhart, Eileen  
 Guthrie, Joseph  
 Kappler, Lawrence  
 Kennedy, James  
 McCarthy, Linda  
 Moore, Bennett  
 Pearson, Mark  
 Russell, Trinkia  
 Weyler, Kenneth

Brown, C. Pennington  
 Charron, Gene  
 Gleason, John  
 Henson, John  
 Katsakiores, George  
 Kepner, Susan  
 McKenna, Daniel  
 Nord, Susi  
 Powers, James  
 Sanders, Elisabeth  
 Wickson, Rick

Buxton, Donald  
 Day, Judith  
 Gould, Kenneth  
 Howard, Doreen  
 Katsakiores, Phyllis  
 Major, Norman  
 McKinney, Betsy  
 Nowe, Ronald  
 Rausch, James  
 Snow, Richard

**STRAFFORD**

Berube, Roger  
 Browne, Brendon  
 Domingo, Baldwin  
 Hubbard, Pamela  
 Miller, Joseph  
 Rous, Emma  
 Sprague, Dale

Billian, Deborah  
 Burke, Rachel  
 Fargo, Thomas  
 Hutz, Sarah  
 Perry, Robert  
 Schmidt, Peter  
 Vachon, Dennis

Brennan, William  
 Cyr, James  
 Goodwin, Earle  
 Kaen, Naida  
 Rollo, Deanna  
 Smith, Marjorie  
 Wall, Janet

Brown, Larry  
 DeChane, Marlene  
 Hofemann, Roland  
 Knowles, William  
 Rollo, Michael  
 Spang, Judith  
 Watson, Robert

**SULLIVAN**

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr  
Skinder, Carla

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Rodeschin, Beverly

**NAYS 85****BELKNAP**

Allen, Janet  
Nedeau, Stephen  
Wendelboe, Fran

Boyce, Laurie  
Thomas, John  
Whalley, Michael

Clark, Charles  
Tilton, Franklin

Flanders, Donald  
Tobin, William

**CARROLL**

Ahlgren, Christopher

Martin, James

Patten, Betsey

Stevens, Stanley

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

**COOS**

King, Frederick

**GRAFTON**

Eaton, Stephanie

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

**HILLSBOROUGH**

Batula, Peter  
Daniels, Gary  
Graham, John  
Hawkins, Ken  
Lessard, Rudy  
Moran, Edward  
Soucy, Connie  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Day, Russell  
Haefner, Robert  
Hogan, Edith  
Manney, Pamela  
Reeves, Sandra  
Tahir, Saghir

Christiansen, Lars  
Drisko, Richard  
Hall, Betty  
Hunter, Bruce  
McRae, Karen  
Renzullo, Andrew  
Ulery, Jordan

Coughlin, Pamela  
Elliott, Nancy  
Hansen, Ryan  
Jasper, Shawn  
Mooney, Maureen  
Rowe, Robert  
Vaillancourt, Steve

**MERRIMACK**

DeJoie, John

Humphries, Charlie

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Dumaine, Dudley  
Flanders, John Sr  
Headd, James  
Lund, Howie  
Quandt, Marshall  
Welch, David

Baldasaro, Alfred  
Carson, Sharon  
Elliott, Robert  
Garcia, Marilinda  
Hopfgarten, Paul  
McMahon, Charles  
Stiles, Nancy  
Wells, Roger

Bedrick, Jason  
Dalrymple, David  
Emiro, Frank  
Garrity, James  
Ingram, Russell  
Packard, Sherman  
Waterhouse, Kevin  
Winchell, George

Belanger, Ronald  
Devine, James  
Fesh, Bob  
Griffin, Mary  
Itse, Daniel  
Priestley, Anne  
Weare, Everett

**STRAFFORD**

None

**SULLIVAN**

None

and the committee report was adopted.  
Ordered to third reading.

**HB 661-FN-A**, establishing an executive planning commission on special education. **OUGHT TO PASS.**

Rep. Linda T. Foster for Finance: The cost, scope, and delivery of services associated with special education continue to be of major importance to school districts throughout our state. The com-

mittee believes that the \$50,000 appropriation will allow this important executive commission to retain consultants and to fund other expenses which are necessary to accomplish its mission. The reporting date for this commission shall be October 1, 2008. Any unexpended funds as of June 30, 2008 shall lapse to the general fund. Vote 22-0.  
Committee report adopted and ordered to third reading.

**HB 663-FN-A**, relative to the comprehensive shoreland protection act and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M. Kurk for Finance: This bill is the funding vehicle for three other shoreland protection policy bills passed earlier this session. As the bill came to Finance, it appropriated \$750,000 for the biennium for up to six new positions and established permits, together with fees, to implement these policy changes. After consultation with the Ways and Means Committee, Finance amended the bill to phase in the new positions, appropriating \$375,000 for the biennium. This "seed money" will be repaid from the permit fees, most likely during the biennium. Thus, we expect that there will be no net impact on the general fund. The amended bill retains the fees at the level proposed by the policy committee, but caps them and places them into an existing dedicated fund from which the positions will be paid. At the request of the policy committee, timber harvesting operations and public road and utility construction were exempted from permitting. Vote 20-0.

#### **Amendment (1110h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the protected shoreland permitting process and establishing and funding positions within the department of environmental services.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Permit Required. Amend RSA 483-B by inserting after section 5 the following new section:

483-B:5-a Permit Required; Exemption.

I.(a) No person shall commence construction, excavation or filling activities within the protected shoreland without obtaining a permit from the department to ensure compliance with this chapter.

(b) The permit application fee shall be \$100 plus \$.10 per square foot of area affected by the proposed activities and shall be deposited in the wetlands and shorelands review fund established under RSA 482-A:3, III. Such fees shall be capped as follows:

- (1) For projects of 0-9,999 square feet, \$750.
- (2) For projects of 10,000 – 24,999 square feet, \$1,875.
- (3) For projects of 25,000 square feet or more, \$3,750.

II. Timber harvesting operations permitting requirements shall be in accordance with RSA 485-A:17, IV and therefore shall be exempt from the permitting requirement under paragraph I.

III. Construction of public roads and public utility lines and associated structures and facilities shall be exempt from the permitting fees of paragraph I.

2 New Paragraph; Rulemaking. Amend RSA 483-B:17 by inserting after paragraph X the following new paragraph:

XI. Procedures and criteria for permitting under RSA 483-B:5-a, including permit by notification and the identification of those activities that may be conducted without obtaining a permit, all consistent with the provisions of this chapter.

3 Excavating and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3, III to read as follows:

III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), and XII(c) *and RSA 483-B:5-a* are *continually* appropriated to and shall be expended by the department for paying per diem and expenses of the public members of the council, hiring additional staff, reviewing applications and activities relative to the wetlands of the state *and protected shorelands under RSA 483-B*, conducting field investigations, and holding public hearings. Such fees shall be held by the treasurer in a nonlapsing fund identified as the wetlands *and shorelands* review fund.

4 Application of Receipts. Amend RSA 6:12, I(b)(131) to read as follows:

(131) Moneys deposited in the wetlands *and shorelands* review fund under RSA 482-A:3, III.

5 Positions Established. The department of environmental services may hire up to 6 additional staff positions to implement RSA 483-B and to perform education and outreach. Authorized po-

sitions include, at a minimum, 2 environmentalist II and 2 environmental III positions for implementation of RSA 483-B, and one environmentalist II position for education and outreach. Funding for the positions and associated costs shall be drawn from the wetlands and shorelands review fund under RSA 482-A:3, III.

6 Funding Transfer and Repayment. The state treasurer shall transfer \$375,000 from the general fund to the wetlands and shorelands review fund under RSA 482-A:3, III for the biennium ending June 30, 2009. Notwithstanding any provision of law to the contrary, 1/2 of the permit fees collected under RSA 483-B:5-a shall be deposited in the general fund until such time as the \$375,000 is repaid.

7 Repeal. RSA 483-B:5-a, I(b), relative to permit application fees, is repealed.

8 Effective Date.

I. Section 1 of this act shall take effect March 1, 2008.

II. Section 7 of this act shall take effect July 1, 2011.

III. The remainder of this act shall take effect July 1, 2007.

#### AMENDED ANALYSIS

This bill:

I. Requires a permit prior to construction, excavation, or filling activities within the protected shoreland and establishes a permit application fee.

II. Limits the purposes for which the fee shall be expended.

III. Establishes new positions within the department of environmental services.

IV. Requires the state treasure to transfer certain funds from the general fund to the wetlands and shorelands review fund.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 721**, relative to the appropriation to the department of health and human services for rates paid for nursing services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John DeJoie for Finance: This bill pertains to the "budget neutrality" factor applied to nursing home rates by the Department of Health and Human Services (DHHS). Budget neutrality is intended so the department does not overspend the money appropriated for nursing homes. However, the department has used budget neutrality to lapse dollars, effectively reducing nursing home rates without using required rate setting methodologies. The committee amended this bill to address only the current fiscal year. With this bill, the nursing homes will receive the full rates to which they are entitled for the patients they served in 2007. Subsequent years will be addressed through the budget. Vote 21-1.

#### Amendment (1066h)

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

#### AMENDED ANALYSIS

This bill adds a footnote to the operating budget for the appropriation to the department of health and human services for rates paid for nursing services.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 790-FN**, relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives. **OUGHT TO PASS.**

Rep. Bonnie G. Mitchell for Finance: This bill expands the definition of dependent young adults to those who are less than 26 years of age for purposes of health insurance coverage. There are no direct public funding consequences of HB 790. The state employee's health plan is self-insured and not subject to this legislation. The NH Insurance Department estimates that while the number is difficult to determine it would possibly be in the area of 4,000 lives and involves a cost increase (not premium) of less than 1%. This legislation would have the impact of extending health insurance to the NH population that has the highest percent of uninsured with no fiscal impact to the State. This is not a mandate, but an excellent idea. Insurers and employers will benefit by having a larger and healthier pool from which to draw. Employers still have the option of offering the coverage. Vote 15-8.

Rep. Ingbretonson requested a roll call; sufficiently seconded.

**YEAS 231 NAYS 118****YEAS 231****BELKNAP**

Arsenault, Beth  
Wood, Jane

Millham, Alida

Pilliod, James

Reever, Judith

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Morrow, Harry

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Parkhurst, Henry  
Robertson, Timothy

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Sad, Tara

Butcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Richardson, Barbara  
Weber, Lucy

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

**COOS**

Hatch, William  
Merrick, Scott

King, Frederick  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Laliberte, Suzanne  
Mulholland, Catherine  
Solomon, Peter

Almy, Susan  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon  
Williams, Burton

Benn, Bernard  
Hammond, Lee  
Matheson, Robert  
Pierce, David

Bleyler, Ruth  
Harding, A Laurie  
McLeod, Martha  
Preston, Philip

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Cote, David  
Emerton, Larry  
Forest, Armand  
Goley, Jeffrey  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Lisle, Carolyn  
Marshall, Seth  
Moran, Edward  
Peterson, Andy  
Rosenwald, Cindy  
Shaw, Kimberly  
Spratt, Stephen  
Velez, Hector

Beaulieu, Jane  
Campbell, David  
Daler, Jennifer  
Essex, David  
Foster, Linda  
Gorman, Mary  
Harvey, Suzanne  
Judy, Jean  
Knowles, Mary Ann  
Lessard, Rudy  
Long, Patrick  
Martineau, Jesse  
Movsesian, Lori  
Pilotte, Maurice  
Schulze, Joan  
Simon, Anthony  
Sullivan, Daniel

Beck, Catriona  
Chase, Claudia  
Dokmo, Cynthia  
Fletcher, Richard  
Gargas, Carolyn  
Hackel, Paul  
Hebert, Roger  
Kaelin, Michael  
Kopka, Angeline  
Levasseur, Nickolas  
Mack, Ron  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Reuschel, Michael  
Shattuck, Gilman  
Smith, David  
Sullivan, Francis

Bergin, Peter  
Clemons, Jane  
Edwards, Andrew  
Fontas, Jeffrey  
Garrity, Patrick  
Haley, Robert  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Levesque, Melanie  
Manney, Pamela  
Mesa, Lily  
O'Neil, James  
Rochette, Eric  
Shaw, Barbara  
Spaulding, Jayne  
Sysyn, Mary

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Wheeler, Deborah

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kelly, Sally  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Williams, Robert

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
MacKay, James  
Potter, Frances  
Shurtleff, Stephen  
Webb, Leigh

**ROCKINGHAM**

Abbott, Dennis  
Case, Frank  
DiFruscia, Anthony  
Henson, John  
Kelley, Jane  
McCarthy, Linda  
Nord, Susi  
Russell, Trinka  
Wells, Roger

Borden, David  
Casey, Kimberley  
Flockhart, Eileen  
Howard, Doreen  
Kennedy, James  
McKenna, Daniel  
Pantelakos, Laura  
Sanders, Elisabeth  
Winchell, George

Brown, C. Pennington  
Charron, Gene  
Grote, Otto  
Ingram, Russell  
Kepner, Susan  
Moody, Marcia  
Pearson, Mark  
Snow, Richard

Buxton, Donald  
Day, Judith  
Guthrie, Joseph  
Johnson, Robert  
Marsh, Michael  
Moore, Bennett  
Powers, James  
Splaine, James

**STRAFFORD**

Berube, Roger  
Browne, Brendon  
Domingo, Baldwin  
Hubbard, Pamela  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Billian, Deborah  
Burke, Rachel  
Fargo, Thomas  
Hutz, Sarah  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brennan, William  
Cyr, James  
Goodwin, Earle  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, Larry  
DeChane, Marlene  
Hofemann, Roland  
Knowles, William  
Rollo, Michael  
Spang, Judith

**SULLIVAN**

Cloutier, John  
Franklin, Peter  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Skinder, Carla

Donovan, Thomas  
Houde, Matthew

Ferland, Brenda  
Jillette, Arthur Jr

**NAYS 118****BELKNAP**

Allen, Janet  
Heald, Bruce  
Tilton, Franklin

Boyce, Laurie  
Nedeau, Stephen  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Flanders, Donald  
Thomas, John  
Whalley, Michael

**CARROLL**

Ahlgren, Christopher  
Martin, James

Brown, Carolyn  
Patten, Betsey

Denley, William  
Stevens, Stanley

Knox, J. David

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

**COOS**

Remick, William

Tholl, John Jr

**GRAFTON**

Andersen, Gene  
Ingbreton, Paul

Bulis, Lyle  
Sorg, Gregory

Eaton, Stephanie

Gionet, Edmond

**HILLSBOROUGH**

Barry, Richard  
Christiansen, Lars  
Drisko, Richard  
Hall, Betty  
Hogan, Edith  
L'Heureux, Robert  
Mooney, Maureen  
Price, Pamela  
Soucy, Connie  
Vaillancourt, Steve

Batula, Peter  
Coughlin, Pamela  
Elliott, Nancy  
Hansen, Ryan  
Holden, Randolph  
Lawrence, James  
O'Connell, Timothy  
Reeves, Sandra  
Stepanek, Stephen  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Daniels, Gary  
Graham, John  
Hawkins, Ken  
Hunter, Bruce  
McRae, Karen  
Ober, Lynne  
Renzullo, Andrew  
Tahir, Saghir  
Winters, Joel

Christensen, Chris  
Day, Russell  
Haefner, Robert  
Hinkle, Peyton  
Kurk, Neal  
Messier, Irene  
Ober, Russell III  
Rowe, Robert  
Ulery, Jordan

**MERRIMACK**

Anderson, Eric  
Lockwood, Priscilla

Hess, David  
Reed, Dennis

Humphries, Charlie

Kidder, David

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Dumaine, Dudley  
Flanders, John Sr  
Gould, Kenneth  
Itse, Daniel  
Lund, Howie  
Nowe, Ronald  
Rausch, James  
Weare, Everett

Baldasaro, Alfred  
Carson, Sharon  
Elliott, Robert  
Garcia, Marilinda  
Griffin, Mary  
Kappler, Lawrence  
Major, Norman  
Packard, Sherman  
Reagan, John  
Welch, David

Bedrick, Jason  
Dalrymple, David  
Emiro, Frank  
Garrity, James  
Headd, James  
Katsakiores, George  
McKinney, Betsy  
Priestley, Anne  
Stiles, Nancy  
Weyler, Kenneth

Belanger, Ronald  
Devine, James  
Fesh, Bob  
Gleason, John  
Hopfgarten, Paul  
Katsakiores, Phyllis  
McMahon, Charles  
Quandt, Marshall  
Waterhouse, Kevin  
Wickson, Rick

**STRAFFORD**

Watson, Robert

**SULLIVAN**

Rodeschin, Beverly  
and the committee report was adopted.  
Ordered to third reading.

**HB 796, relative to civil liability for damaging highway protective barriers. OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: This was a second committee referral of a bill whose intent is to amend RSA 236:39 so as to expand the ability of the State of New Hampshire and municipalities to recover for damages to highways and protective barriers caused by motorists and other persons. The committee amended the bill to enable recovery only from persons causing damage intentionally or negligently, and made general grammatical revisions to clarify the statute. Vote 11-4.

**Amendment (1196h)**

Amend the bill by replacing section 1 with the following:

1 Civil Liability Expanded. RSA 236:39 is repealed and reenacted to read as follows:

236:39 Civil Liability. If any person negligently or intentionally, without authority, shall place any obstruction in a highway, or cause any defect, insufficiency, or want of repair of a highway which renders it unsuitable for public travel, he or she shall be liable to the state for all damages to the highway, including replacement costs of protective barriers, when maintained by the state, or to the municipality for all damages to a highway, including replacement costs of protective barriers, when maintained by the municipality, and for all damages and costs which the state or municipality shall be compelled to pay to any person injured by such obstruction, defect, insufficiency or want of repair.

Amendment adopted.

Committee report adopted and ordered to third reading.

**HB 25-FN-A, making appropriations for capital improvements. OUGHT TO PASS WITH AMENDMENT.**

Reps. Candace C.W. Bouchard and David B. Campbell for Public Works and Highways: This bill (Capital Budget) as amended had two public hearings and numerous work sessions and all agencies requesting an appropriation testified at least once. Departments not included in the Capital Budget were also allocated time to testify. The committee also had a work session with Division II of Finance. A subcommittee reviewed lapse dates and made recommendations. Lapse dates are projects given bonding authority in previous Capital Budgets that have some, or all, unexpended appropriations. Capital Bonds are issued for projects such as building maintenance, construction, land acquisition, furnishings and equipment that have a life expectancy of 20 years. However, HB 25 is unique in that it bonds highway funds for one-time appropriations for the Highway Transportation Plan. The treasurer does not object to this as a "short term solution." Bonding General Funds – Amendment Changes: HB 25 as amended fully funds, as requested by the Adjutant General, the



acquisition of land in Pembroke for a new 195<sup>th</sup> NH Regional Training Institute (NHRTI). The NHRTI is the NH Army National Guard's military academy. This facility provides training for soldiers from NH and around the country. The state must provide the land to receive the \$38,000,000 federal grant for construction. The current NHRTI facility in Strafford is not adequate and will be used for other purposes. The Capital Budget, as presented by the Governor, did not include any courthouse projects. While the Governor was developing the Capital Budget, no courthouse was ready to be included due to community disagreement over site location. However, during the House Capital Budget hearings, Merrimack offered a site for the Merrimack District Court. The other two towns within the district, Bedford and Litchfield, agreed to the site. The courts testified that the site is suitable for the existing plans of a 24,000 square foot facility that will include the district court and family division. Merrimack District Court was third on the court's priority list. The other two courts, Merrimack County Superior Court and Cheshire Superior Court are not ready to move forward. Recognizing that the current Merrimack District Court is grossly inadequate, has severe security issues, lacks privacy, has ADA accessibility restrictions and insufficient secure office space, the committee voted to include this court. However, the appropriation has a footnote requiring the land be acquired prior to 7/1/2008 and the site work and infrastructure cost no more than the appropriation. The Merrimack County Superior Court does have a proposed site and because Cheshire County does not, the lapse appropriation for design of the Cheshire County Courthouse was amended to Merrimack County Superior Courthouse Design. Under the Department of Administrative Services, the committee increased the appropriated amount for the State House, State Library and LOB maintenance and granite re-pointing by \$170,000. The Department of Transportation was equally sharing the \$2,100,000 project for the Hazen Drive improvements, with the Department of Administrative Services. The Department of Transportation testified they could do the entire Hazen Drive Roadway improvements, including the sidewalk extension for \$1,100,000. This project will be bonded with highway funds. DOT also requested Hazen Drive be its responsibility. The committee agreed. Also, under Administrative Services, the State House repairs and Hugh Gallen State Office Park roof repairs are funded by previously appropriated lapse funds from the Bridges Enhancement fund which Health and Human Services asked to be reduced. Changes to the Community – Technical College System request included Nursing labs and Classroom renovations along with a new student service center for the Claremont campus. The committee did reduce the request for planning and funding for future projects. The Department of Corrections request remained the same except for a reduction to \$10,000,000 line item. The committee believed the DOC could not do all the work in the line item appropriation this biennium and thought it more prudent to fund a new 150 bed minimum security unit (MSU) in Berlin, appropriated funds for the architectural and engineering for the Berlin 500 bed expansion and Phase I of the Concord residential treatment unit. HB 25 as amended includes \$100,000 for the Housing Authority housing fund. The funds are used to facilitate the purchase and rehabilitation of affordable housing primarily for low and moderate income persons and families. The committee fully funded the 75% state match for the Exeter and Manchester regional career technical centers. The Temple Mountain appropriation of \$535,000 included \$100,000 for operating costs which the committee omitted. The committee also added a footnote that excludes the deed restrictions that were in HB 183 and prohibits DRED from using any state park fund money for the purposes of development, operation, or maintenance of the Temple Mountain property. The amendment authorizes DRED to sell its facility in Concord on Langdon Street and to build a new facility in Allenstown, Bear Brook State Park. The committee heard testimony that the current facility is too small, energy inefficient and lacks adequate parking (currently DRED leases parking) and the adjacent property owner will purchase the facility. The sum appropriated for the sale of the current facility shall be received before DRED can begin building the new facility. The rail match for the Nashua/Manchester project was amended to appropriate \$500,000 of lapse funds and reduces the new requested appropriation by \$500,000, thus reducing by \$500,000 new General Fund bonding. The appropriation for the rail match remains \$1,000,000. Bonding Highway Funds – Amendment Changes: The Department of Safety's request for the VISION, Office of Information Technology and DMV project was reduced from \$8,305,000 to \$1,915,000. This new appropriation allows the department to begin the estimated \$12,000,000 VISION system. The department testified that the current OIT system, although old, was in no immediate danger of failing. However, it is important to note that completion of VISION (as was true with the un-amended appropriation) will require appropriations in future Capital Budgets. The Department of Transportation

(DOT) oil underground fuel tank replacement request has been amended to be appropriated out of the ODD Fund. The ODD Fund is able to support this appropriation. The amendment includes a new Welcome Center in Chesterfield on Route 9. The Chesterfield Welcome Center will accommodate a liquor store, Department of Resources and Economic Development, (DRED) and the Department of Safety. The Liquor Commission will pay rent to the Welcome Center and the sum shall be credited to the highway fund. The Liquor Commission testified with a larger store sales would more than double. DRED has been invited and will be allocated space by DOT to provide services for tourist. DOT is allocating space to the Department of Safety and thus will have the benefit of state troopers using the Welcome Center. A new request for a fuel center computer system was approved. This computer system will enable the department to have an accurate record of fuel being pumped from their fueling stations and provide an efficient means of payment from municipalities that use the stations. The most difficult decision for the committee was the inclusion of the bonding proposal in the Capital Budget that was put forth by the Governor. The committee reluctantly agreed to bond almost 60 million dollars (\$59,895,260) as a one time short-term fix in HB 25 because there is no fiscally prudent alternative at this time. The Commissioner of Transportation testified that because of the current 60 million dollar shortfall in the NHDOT budget this biennium there are only three alternatives: 1) Raise revenues (that means the gas tax) in this year's budget, 2) Cut 60 million dollars in highway bridge projects that are ready to go out to bid or, 3) Issue bonds to cover the shortfall. The DOT Commissioner and the majority of the committee support the bonding as a short-term solution to a long-term problem; which is the deteriorating condition of the State's highways and bridge infrastructure, and because of a lack of adequate revenue and inflation, the 10 Year Highway Plan has become a 16 Year Plan. A second alternative is to raise the gas tax to balance the books. A "quick fix" increase of 3 or 4 cents in the gas tax (even if sunsetted) is opposed by the majority of the Committee, the DOT Commissioner and the Governor for the same reason: NH DOT's books are currently in a condition that makes it impossible to determine the full financial picture or the actual long-term revenue needs. The House and Senate have already passed HB 103, establishing a study committee which will explore this problem in depth and along with the Commissioner of DOT will recommend to the Legislature long-term solutions before November 2007. In the meantime, raising the gas tax without fully understanding the financial ramifications on the 10 Year Highway Plan was deemed by the committee to be imprudent. The third alternative: to delay or cut up to 60 million dollars in scheduled highway construction projects was also rejected by the committee. Such a move would only worsen the back log of projects, cost the state millions more in inflated construction costs, and would have negative impacts on jobs and the state's economy. Nobody has brought forth any other alternative other than bonding. The State Treasurer testified that the bonding the 60 million dollars this biennium is a "fiscally viable short-term solution and that it *would not* damage the state's bond rating or financial integrity." She did warn however, that to continue this practice would put the state on a "slippery slope." To help the Legislature's ability to make this a temporary solution, the Treasurer indicated she would probably issue variable 20 year bonds that could be paid off at any time. Additionally, Public Works & Highways worked with the Finance Committee to include in HB 2 a provision to sunset on July 1, 2009 the one cent allocation from the Betterment portion of gas tax revenues used to pay the loan for this budget cycle. This insures that there is *no decrease* in the Betterment Program this biennium or in the future. Finally, the House can be assured that these bonds *do not* bond operating expenses, as NHDOT supplied the committee and the Treasurer with a list of 20 year capital projects the equal or exceed the bonding allocations of the 60 million dollars. Vote 19-0.

#### Amendment (1178h)

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

##### I. Adjutant General.

A. Armory - Roofing Projects	\$ 600,000
B. Armory - Statewide Auxiliary Power	1,500,000
Less Federal	-750,000
Net state appropriation subparagraph B	750,000
C. Armory - Alarm Fire Systems	575,000
Less Federal	-287,500
Net state appropriation subparagraph C	287,500

D. NHSVC - Columbarium Expansion	765,000
Less Federal	<u>-765,000</u>
Net state appropriation subparagraph D	0
E. 195th Training Institute Land Acquisition	3,500,000
F. Regional Training Institute Construction	38,000,000
Less Federal	<u>38,000,000</u>
Net state appropriation subparagraph F	0
G. Mini-Excavator-Veterans' Cemetery	62,000
H. Pole Barn - Veterans' Cemetery	<u>70,000</u>
Total state appropriation paragraph I	\$ 5,269,500
II. Department of Administrative Services.	
A. Bureau of Court Facilities.	
1. Hillsborough County North - Asbestos Abatement	\$ 2,000,000
2. Merrimack District Courthouse*	<u>7,000,000</u>
Total state appropriation subparagraph A	\$ 9,000,000
* The sum appropriated in subparagraph A. 2 for the Merrimack district courthouse shall not be spent, obligated, or encumbered until land suitable for a standard court facility similar to the Dover district court layout has been acquired prior to July 1, 2008 provided that there is no cost of land acquisition by the state and that site work and infrastructure costs can be accomplished within the sum appropriated or the authority shall lapse.	
B. Bureau of General Services.	
1. State House Annex - Renovate Restrooms	\$ 177,000
2. State House, State Library and LOB - Maintenance and Repointing	270,000
3. Safety Building - Replace HVAC Chillers	720,000
4. Monadnock Mill - New Roof	225,000
5. All State Owned Facilities	100,000
6. All State Owned Buildings - Energy Improvement Fund	250,000
7. Legislative Office Building - Replace Ice Stop System	104,000
8. Statewide Library Roof Repairs	<u>775,000</u>
Total state appropriation subparagraph B	\$ <u>2,621,000</u>
Total state appropriation paragraph II	\$ 11,621,000
III. Department of Agriculture, Markets, and Food.	
A. NH Building at Eastern States Exposition	\$ <u>190,000</u>
Total state appropriation paragraph III	\$ 190,000
IV. Community-Technical College System.	
A. Automotive Bldg Education and Training Center Updates	\$ 3,000,000
B. Main Building Renovations - Interior	1,000,000
C. Main Campus Renovations	2,000,000
D. Wellness Student Center	1,160,000
Less Other*	<u>-1,160,000</u>
Net state appropriation subparagraph D	0

\*To provide funds for the appropriations made in subparagraphs D, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,160,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from student fees.

E. Health, Education, Technology Center	500,000
F. Academic, Career and Health Education Center	6,500,000
Less Federal	-491,032
Less Other*	<u>-2,008,968</u>
Net state appropriation subparagraph F	4,000,000

\*To provide funds for the appropriations made in subparagraphs F, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,008,968 and for said

purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from donations, pledges, and grants.

G. Pease Campus Renovation - Main Campus	11,000,000
Less Other (Sale of Land) *	<u>-11,000,000</u>
Net state appropriation subparagraph G	0

\*The proceeds from the sale of the Stratham campus land shall be used up to July 1, 2010 to offset the sum appropriated for the Pease campus renovation authorized in subparagraph G.

H. Planning Funding for Future Projects	250,000
I. Information Technology- Standardize System wide Network Architecture	1,000,000
J. Critical Maintenance/Repairs	4,000,000
K. Student Services, Nursing Lab and Classroom - Claremont	450,000
L. Christa McAuliffe Planetarium - Alan B Shepard Mem. Wing	4,263,167
Less Other*	<u>-4,263,167</u>
Net state appropriation subparagraph L	<u>0</u>

\*To provide funds for the appropriations made in subparagraph L, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$4,263,167 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the planetarium fund established in RSA 12-L:10.

Total state appropriation paragraph IV	\$ 16,200,000
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V. Department of Corrections.

A. Electronic Security Upgrades - Men's Prison	\$ 350,000
B. NHSP/M Chiller and Tower Replacement	349,400
C. NHSP/M Structural Wall and Beam Repair	1,780,000
D. NHSP/M and NHSP/W Boiler Room Upgrades	370,000
E. Roof Repairs	1,300,000
F. LRF - Sewer Stormwater Water System Repairs*	1,300,000

\*The department shall seek and apply for federal matching funds and state revolving funds for the project in subparagraph F. Any matching funds received shall reduce the state appropriation as provided in section 9 of this act.

G. Residential Treatment Unit, Phase 1 - Concord	1,480,000
H. MSU 150-beds, Berlin	5,300,000
I. Architectural and Engineering - 500 bed, Max. Security - Berlin	200,000
J. Comprehensive Master Plan and Secure Psychiatric Care	500,000
K. Community Corrections HVAC and Water Upgrades	<u>410,000</u>

Total state appropriation paragraph V	\$ 13,339,400
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VI. Department of Education.

A. Renovation Regional Career and Tech Ed Center - Exeter	\$ 6,375,000
B. Renovation Regional Career and Tech Ed Center - Manchester	7,425,000
C. Pre-Engineering Technology	<u>400,000</u>

Total state appropriation paragraph VI	\$ 14,200,000
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VII. Department of Environmental Services.

A. Drinking Water SRF Matching Funds*	\$ 3,249,460
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\* The department shall give a priority to the SRF project authorized for the department of corrections in subparagraph V. F.

B. Wastewater SRF Matching Funds	3,008,863
C. Hazardous Waste Superfund Match I	1,210,000
D. Dam Repairs, Removal and Reconstruction *	1,810,000

\*The sum appropriated in subparagraph D shall not be spent, obligated, or encumbered until the department has received approval of the dam repair, removal, or reconstruction projects from the capital budget overview committee.

E. Technical Services - Air Monitoring Program	<u>274,100</u>
Total state appropriation paragraph VII	\$ 9,552,423

VIII. Fish and Game Department.	
A. Dam Construction and Repair	\$ 450,000
Total state appropriation paragraph VIII	\$ 450,000
IX. Department of Health And Human Services.	
A. Main Building - Asbestos Abatement	\$ 250,000
B. Main Building - Lead Paint Abatement	191,000
C. Glencliff - Brown Building Patient Room Floor Abatement	950,000
D. Replacement of Huntress and Lodge Houses	976,000
E. Twitchell Bldg - Roof Replacement and Electrical Upgrade	160,000
Total state appropriation paragraph IX	\$ 2,527,000
X. Housing Finance Authority.	
A. Affordable Housing	100,000
Total state appropriation paragraph X	\$ 100,000
XI. Liquor Commission.	
A. Renovate Store Parking Lot #76	\$ 790,000
B. Concord Warehouse Racking	270,000
Total state appropriation paragraph XI	\$ 1,060,000
XII. Pease Development Authority.	
A. Market Street Marine Terminal Pier	2,300,000
Less Other*	-2,300,000
Net state appropriation subparagraph A	0
B. Rye Harbor Commercial Fish Pier	1,560,000
Less Other*	-1,560,000
Net state appropriation subparagraph B	0
<p>*To provide funds for the appropriations made in subparagraphs A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,860,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from fees relating to wharfage, dockage, and other marine terminal operations under RSA 12-G:42. For the appropriation made in subparagraph A, the Pease development authority and the attorney general shall seek reimbursement or restitution for the cost of repairs of damage to the facility, and the appropriation may not be expended until approval is received by the capital budget overview committee.</p>	
Total state appropriation paragraph XII	\$ 0
XIII. Department of Resources and Economic Development.	
A. Statewide Park Funding	\$ 6,000,000
B. Temple Mountain Purchase*	435,000
<p>*The sum appropriated in subparagraph B shall not be spent, obligated, or encumbered until the remaining sums required for the purchase are received. The purchase of property shall not be subject to deed restrictions which prohibit the installation of telecommunications or similar towers and associated facilities on the property or which prohibit any off-road motorized vehicular recreational activities. The department of resources and economic development shall not develop, operate, or maintain any recreational facilities on the property unless funding for such development, operation, or maintenance is provided through state, federal, or municipal sources, private contributions, or other sources, nor shall the department use any state park fund money for the purposes of development, operation, or maintenance of the Temple Mountain property.</p>	
C. Statewide - Exterior Repairs, Roofing	400,000
D. New Facility - Allenstown	1,149,758
Less Other (Sale of Land- Concord) *	-332,000
Total state appropriation subparagraph D	817,758
<p>* The sum appropriated in subparagraph D shall not be spent, obligated, or encumbered until the proceeds from the sale of land are received.</p>	
E. Statewide Radio System	883,000
Total state appropriation paragraph XIII	\$ 8,535,758

## XIV. Department of Transportation.

A. 5-10% Match for FAA Projects	\$ 50,765,517
Less Federal	-41,423,900
Less Other	-6,632,870
Net state appropriation subparagraph A	2,708,747
B. Public Transit Bus Replacement	384,500
C. Rail - Match	500,000
D. Repair State Rail Lines	950,000
E. Maintenance Hanger at the Skyhaven Airport	650,000
Less Other*	-650,000
Net state appropriation subparagraph E	0

\*To provide funds for the appropriations made in subparagraph E, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$650,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the Skyhaven airport maintenance and operations fund under RSA 422:39.

Total state appropriation paragraph XIV	\$ 4,543,247
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## XV. Veterans' Home.

A. Upgrades to Facility/Asbestos Abatement	\$ 1,165,000
Less Federal	-757,250
Net state appropriation subparagraph A	407,750
B. Energy Enhancements	5,000,000
Less Federal	-3,250,000
Net state appropriation subparagraph B	1,750,000
C. Therapeutic Pool Study	50,000
Total state appropriation paragraph XV	\$ 2,207,750
Total state appropriation section 1	\$ 89,796,078

2 Appropriations; Highway Fund. The sums hereinafter detailed are appropriated for the projects specified:

## I. Department of Safety.

A. Sprinklers 3rd Floor 33 Hazen & Elevator Control Upgrades	\$ 550,000
B. 33 Hazen - Computer Room Electrical Upgrades	548,000
C. Lab HVAC Modification/Upgrade	220,000
D. OIT projects for DMV	1,915,000
Total state appropriation paragraph I	\$ 3,233,000

## II. Department of Transportation.

A. Patrol and Salt Sheds	\$ 1,300,000
B. Statewide - Underground Fuel Tank Replacement	3,000,000
Less Other *	3,000,000
Net state appropriation subparagraph B	0

\*To provide funds for the appropriations made in subparagraph B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the oil discharge and disposal cleanup fund established in RSA 146-D:3.

C. Statewide - Energy/Environmental Renovations	500,000
D. Chesterfield Welcome Center *	3,000,000

\* All rents and lease payments made for use of the Chesterfield welcome center property shall be credited to the highway fund. The liquor commission shall pay rent to the department of transportation for its facility on the property at the rate paid for non-state facilities.

E. Fuel Center Computer System	800,000
F. Hazen Drive - Roadway Improvements and Sidewalk Extension	1,100,000
G. Highway Construction Projects	
1. Consolidated Federal Funds - State Match	27,695,260
2. Betterment *	15,000,000

3. State Highway Construction Aid	3,600,000
4. Municipal Bridge Program *	<u>13,600,000</u>
Total state appropriation subparagraph G	<u>59,895,260</u>

\* Section 8 of this act shall not apply to the sums appropriated in subparagraph G. 2 and G.4 .

Total state appropriation paragraph II	\$ <u>66,595,260</u>
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Total state appropriation section 2	\$ <u>69,828,260</u>
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3 Expenditures; General. The appropriation made for the purpose mentioned in sections 1 and 2 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

4 Land Acquisition. Any land acquired under the appropriations made in sections 1 and 2 of this act, if any, as may be acquired under the appropriation except such land if any as may be acquired for the water resources board, shall be purchased by the commissioner of department of transportation with the approval of governor and council.

5 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$159,624,338 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

#### 6 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in section 1 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in section 2 shall be made from the highway fund.

7 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1 and 2 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 5 of this act shall be reduced by the same amount.

8 Transfers. The individual project appropriations provided in sections 1 and 2 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

9 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1 and 2 of this act is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 5 of this act shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

#### 10 Commission Established; Road Toll Authority.

I. There is established a commission to study the transfer of road toll collections to the department of revenue administration.

II. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) The commissioner of safety, or designee.

(d) The commissioner of revenue administration, or designee.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study transferring the authority for road toll collections and administration from the department of safety to the department of revenue administration.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

11 Appropriation Purpose Amended. Cheshire County Courthouse. Amend 2005, 259:1, II, A, 2 to read as follows:

2. ~~[Cheshire]~~ **Merrimack** County Courthouse Design [\*] 250,000

~~[\* The appropriation for the design of the Cheshire County courthouse shall not be expended until input is received from the Cheshire County commissioners.]~~

12 Appropriation Purpose Amended. Department of Transportation. Amend 2005, 259:4, II, D to read as follows:

D. District 5 Office – ~~[Hooksett]~~ **Bedford** 1,780,000

13 Appropriation Purpose Amended. Department of Transportation. Amend 2005, 259:1, XIII, F to read as follows:

F. Railroad Acquisition, Right of First Refusal – **Rail Match** 500,000

14 Christa McAuliffe Planetarium; Alan B. Shepard Memorial Wing; Project Funding. Amend 2003, 240:1, III to read as follows:

III. Community-Technical College System.

A. Library Expansion - Academic Program Support - Stratham \$ 2,373,000

B. Library Addition - Design - Claremont 125,000

C. Ventilation - Berlin 307,000

D. Student Residence Hall Rehabilitation -NHTI 270,000

E. New Academic Building – Laconia 5,500,000

F. MacRury Hall Addition – Dental Facility 1,500,000

G. Critical Repairs 1,252,000

H. Christa McAuliffe Planetarium –

Alan B. Shepard Mem. Wing ~~[6,200,000]~~ **5,019,000**

Less Federal ~~[-4,900,000]~~ **3,719,000**

Net state appropriation subparagraph H 1,300,000

I. Police Standards and Training – Storage Building Expansion 95,000

Total state appropriation paragraph III \$ 12,722,000

The sum appropriated in subparagraph E for the academic building in Laconia shall not be spent, obligated, or encumbered until the department has received approval of the master plan process from the capital budget overview committee. In addition to the approval of the master plan process, the department shall submit the program and design development drawings which include cost estimates, design criteria, and square footage requirements for the project in subparagraph E to the capital budget overview committee for its review and approval.

~~[No state funds may be expended for the Shepard memorial wing project in subparagraph H until all the federal funds for the project have been received.]~~

15 2001 Capital Budget; Administrative Services; Projects Added. Amend 2001, 202:1, II to read as follows:

II. Administrative Services.

A. Bureau of General Services.

1. State Laboratory - Complete HVAC Repairs \$ 8,552,200

2. E-911 Install Ventilation Unit 133,000

3. 6 Hazen Drive - Install Fire Suppression System 807,500

4. State Library - Install Fire Suppression System 310,000

5. State House Annex - Life Safety Code Improvements 106,500

6. State House Annex - Upgrade Elevators 198,000



7. 6 Hazen Drive - Replace State Laboratory Roof	160,000
8. State House - Upgrade Elevators	198,000
9. State House - Repoint Exterior Granite & Caulk Windows	205,000
10. State House - Dome	300,000
11. State House Annex - Mailroom Lift	93,500
12. Johnson Hall Renovations - State Office Park South	229,576
13. Storrs Street Garage - Parking Garage Repairs	513,000
<b>14. State House Complex, Repairs</b>	<b>316,000</b>
<b>15. Hugh Gallen State Office Park - Roof Repairs</b>	<b>622,930</b>

Total state appropriation subparagraph A [~~\$11,806,276~~] **\$12,745,206**  
 B. Bureau of Court Facilities.

1. Carroll County Courthouse Construction	\$ 6,250,000
2. Roof - Nashua District Court	115,700
Total state appropriation subparagraph B	<u>\$ 6,365,700</u>

Total state appropriation paragraph II [~~\$18,171,976~~] **\$19,110,906**

16 2001 Capital Budget; Health and Human Services; Project Amended. Amend 2001, 202:1, IX to read as follows:

IX. Department Of Health & Human Services.

A. Patient Res. ADA & Fire Sys/Transitional Housing - State Office Park South	\$ 433,750
B. Asbestos Abatement - State Office Park South	996,250
C. Main Building - ADA, Fire/Life Safety Renovations	265,000
D. MOP Roof Replacement/Wiring, Phone, Alarm - Laconia	210,000
E. Laconia MR Offenders New Building	500,000
F. Patient Care Network *	700,000
G. LITS (Lab Information Tracking System) *	250,000
H. Bridges Enhancement *	[ <del>3,000,000</del> ] <b>2,061,070</b>
Less Federal	<u>-1,500,000</u>

Net state appropriation subparagraph H [~~1,500,000~~] **561,070**

I. DFA New Heights Enhancements	3,100,000
Less Federal	<u>-1,550,000</u>

Net state appropriation subparagraph I 1,550,000

J. Public Health Laboratories Replacement Equipment	<u>495,000</u>
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Total state appropriation paragraph IX [~~\$6,900,000~~] **\$5,961,070**

17 Community Technical Colleges; Pease Added. Amend 2005, 259:1, III, D to read as follows:

D. Critical Maintenance Manchester/Stratham/~~Pease~~ 900,000

18 Lapse Dates Extended to June 30, 2009. The following appropriations are hereby extended to June 30, 2009:

I. The appropriation made to the adjutant general in 2001, 202:1, I, C, as extended by 2003, 240:34, IV, and 2005, 259:25, I, for army aviation support facility construction - Concord.

II. The appropriation made to the adjutant general in 2003, 240:1, I, A, as extended by 2005, 259:25, II, and as amended by 2006, 272:2, for armory renovations, disposals, or and acquisition.

III. The appropriation made to the adjutant general in 2003, 240:1, I, D, as extended by 2005, 259:25, V, for joint service training facility design.

IV. The appropriation made to the adjutant general in 2005, 259:1, I, A, for armory renovations.

V. The appropriation made to the adjutant general in 2005, 259:1, I, B, for armory kitchen expansion.

VI. The appropriation made to the adjutant general in 2005, 259:1, I, C, for re-roofing building F & L.

VII. The appropriation made to the department of administrative services - bureau of court facilities in 2003, 240:, II, A, 1, as extended by 2005, 259:25, VII, for architectural and engineering - Hampton district court.

VIII. The appropriation made to the department of administrative services - bureau of court facilities in 2005, 259:1, II, A, 1, for Laconia district court renovation.

IX. The appropriation made to the department of administrative services - bureau of court facilities in 2005, 259:1, II, A, 2, as amended by section 11 of this act, for Merrimack county courthouse design.

X. The appropriation made to the department of administrative services - bureau of general services, in 1999, 226:1, II, A, 8, as extended by 2001, 202:28, XIV, 2003, 240:34, XX, and 2005, 259:25, VI, for executive/legislative budget system.

XI. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 11, as extended 2005, 259:25, XIII, for Monadnock mill - repair building foundation.

XII. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 12, as extended by 2005, 259:25, XIV, for site and design parking garage - executive/legislative.

XIII. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 3, for Londergan hall - replace defective windows.

XIV. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 4, for all state owned facilities - emergency repairs.

XV. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 6, for Monadnock mill - report defective masonry.

XVI. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 10, for legislative office building - replace chiller.

XVII. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 12, for M.S. building, renovation.

XVIII. The appropriation made to the department of administrative services - financial data management in 2003, 240:1, II, C, 2, as extended by 2005, 259:25, XVI, for enterprise resource planning.

XIX. The appropriation made to the department of administrative services - financial data management in 2003, 240:3, III, A, as extended by 2005, 259:25, LIV, for enterprise resource planning.

XX. The appropriation made to the department of administrative services in 2006, 258:16, I, for quality assurance evaluation, monitoring and reporting related to the implementation of the ERP system.

XXI. The appropriation made to the community technical college system in 2003, 240:1, III, H, as extended by 2005, 259:25, XVII, and as amended by section 14 of this act for Christa McAuliffe planetarium - Alan Shepard memorial wing.

XXII. The appropriation made to the community technical college system in 2003, 240:1, III, G, as extended by 2005, 259:25, XX, for critical repairs.

XXIII. The appropriation made to the community technical college system in 2005, 259:1, III, A, for critical maintenance NH technical institute.

XXIV. The appropriation made to the community technical college system in 2005, 259:1, III, B, for critical maintenance Berlin, Laconia.

XXV. The appropriation made to the community technical college system in 2005, 259:1, III, D, as amended by section 17 of this act, for critical maintenance Manchester, Stratham, Pease.

XXVI. The appropriation made to the department of corrections in 2005, 259:1, IV, A for electronic security upgrades - men's prison.

XXVII. The appropriation made to the department of corrections in 2005, 259:1, IV, C for fire alarm and sprinkler system upgrades - men's prison.

XXVIII. The appropriation made to the department of education in 2001, 130:14, II, as extended by 2003, 240:34, XC, and 2005, 259:25, XXI, for information technology projects.

XXIX. The appropriation made to the department of education in 2003, 240:1, IV, B, as extended by 2005, 259:25, XXIII, for regional career and technical education center match - Berlin.

XXX. The appropriation made to the department of education in 2005, 259:1, V, A, for renovation regional career and tech ed center, Concord.

XXXI. The appropriation made to the department of education in 2005, 259:1, V, B, for renovation regional career and tech ed center, Conway.

XXXII. The appropriation made to the department of education in 2005, 259:1, V, C, for pre-engineering technology.

XXXIII. The appropriation made to the department of environmental services in 2001, 202:1, VIII, B, as extended by 2003, 240:34, XLI, and 2005, 259:25, XXVII, for wastewater state revolving fund matching funds.

XXXIV. The appropriation made to the department of environmental services in 2003, 240:1, V, A, as extended by 2005, 259:25, XXVIII, for hazardous waste superfund match.

- XXXV. The appropriation made to the department of environmental services in 2003, 240:1, V, B, as extended by 2005, 295:25, XXIX, for drinking water SRF matching funds.
- XXXVI. The appropriation made to the department of environmental services in 2003, 240:1, V, C, as extended by 2005, 295:25, XXX, for waste water SRF matching funds.
- XXXVII. The appropriation made to the department of environmental services in 2005, 259:1, VI, A, for dam repairs, removal and reconstruction.
- XXXVIII. The appropriation made to the department of environmental services in 2005, 259:1, VI, B, for drinking water SRF matching funds.
- XXXIX. The appropriation made to the department of environmental services in 2005, 259:1, VI, C, for wastewater SRF matching funds.
- XL. The appropriation made to the department of environmental services in 2005, 259:1, VI, D, for bedrock aquifer monitoring.
- XLI. The appropriation made to the department of environmental services in 2005, 259:1, VI, F, for north country Gorham office.
- XLII. The appropriation made to the department of environmental services in 2005, 259:1, VI, G, for laboratory clean room.
- XLIII. The appropriation made to the fish and game department in 2003, 240:2, A, as extended by 2005, 259:25, XXXI, for hatchery system modernization.
- XLIV. The appropriation made to the fish and game department in 2005, 259:3, I, for headquarters roof replacement.
- XLV. The appropriation made to the fish and game department in 2005, 259:3, II, for hatchery system modernization.
- XLVI. The appropriation made to the fish and game department in 2005, 259:3, III, for dam reconstruction.
- XLVII. The appropriation made to the department of health and human services in 2003, 240:11, for a secure facility for committed and detained juveniles.
- XLVIII. The appropriation made to the department of health and human services in 1999, 226:1, VIII, H, as extended by 2001, 202:28, XLIV, 2003, 240:34, LII, and 2005, 259:25, XXXII, for information technology.
- XLIX. The appropriation made to the department of health and human services in 2001, 202:1, IX, B, as extended by 2003, 240:34, LIV, and 2005, 259:25, XXXIII, for asbestos abatement - state office park south.
- L. The appropriation made to the department of health and human services in 2001, 202:1, IX, H, as extended by 2003, 240:34, LVIII, and, 2005, 259:25, XXXIV, and as amended by section 16 of this act for bridges enhancement.
- LI. The appropriation made to the department of health and human services in 2005, 259:1, VII, A, for Dolloff building electrical/fire alarm system replacement.
- LII. The appropriation made to the department of health and human services in 2005, 259:1, VII, B, for main building fire sprinkler replacement.
- LIII. The appropriation made to the department of health and human services in 2005, 259:1, VII, C, for state office park south - electrical system upgrade.
- LIV. The appropriation made to the department of health and human services in 2005, 259:1, VII, D, for water damage repair of buildings - Glencliff.
- LV. The appropriation made to the department of health and human services in 2005, 259:1, VII, E, for renovation/moving of dietary area - Glencliff.
- LVI. The appropriation made to the department of health and human services in 2005, 259:17, for YDC master plan.
- LVII. The appropriation made to the liquor commission in 2005, 259:1, VIII, A, to construct public restrooms - store #38 Portsmouth.
- LVIII. The appropriation made to the liquor commission in 2005, 259:1, VIII, B, to construct public restrooms - store #34 Salem.
- LIX. The appropriation made to the department of resources and economic development in 2003, 240:1, VIII, D, as extended by 2005, 259:25, XXXVIII, for Mount Washington electrification.
- LX. The appropriation made to the department of resources and economic development in 2005, 259:1, IX, E, for Mount Washington electrification.
- XXI. The appropriation made to the office of information technology in 2005, 259:1, X, A, for administrative services, enterprise resource planning.

LXII. The appropriation made to office of information technology in 2005, 259:1, X, B, for department of health and human services, MMIS reprourement.

LXIII. The appropriation made to the department of safety 2003, 240:3, I, D, as extended by 2005, 259:25, XLI, finish Troop D first floor.

LXIV. The appropriation made to the department of safety 2005, 259:4, I, A, for enhanced road toll system.

LXV. The appropriation made to the department of safety 2005, 259:4, I, C, for DMV offices add fire and intrusion alarms.

LXVI. The appropriation made to the department of safety 2005, 259:4, I, D, for Milford DMV office addition.

LXVII. The appropriation made to the department of safety 2005, 259:4, I, E, for 33 Hazen drive renovations.

LXVIII. The appropriation made to the department of safety 2005, 259:4, I, F, for radio maintenance expansion.

LXIX. The appropriation made to the department of safety 2005, 259:19, for a fire station addition.

LXX. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, as extended by 2001, 202.28 XXXIII, 2003, 240:34, LXXVI, and 2005, 259:25, LVI, for acquisition of railroad and airport properties.

LXXI. The appropriation made to the department of transportation in 2003, 240:1, XI, A, as extended by 2005, 259:25, XLVII, for 5-10 percent match for FAA projects.

LXXII. The appropriation made to the department of transportation in 2003, 240:3, II, A, as extended by 2005, 259:25, XLIX, for patrol and salt sheds-statewide.

LXXIII. The appropriation made to the department of transportation in 2005, 259:1, XIII, A, for 2 ½ - 5 percent match for FAA projects.

LXXIV. The appropriation made to the department of transportation in 2005, 259:1, XIII, B, for public transit bus replacement.

LXXV. The appropriation made to the department of transportation in 2005, 259:1, XIII, E, for railroad bridge repairs.

LXXVI. The appropriation made to the department of transportation in 2005, 259:1, XIII, F, as amended by section 13 of this act, for railroad acquisition, right of first refusal rail match.

LXXVII. The appropriation made to the department of transportation in 2005, 259:4, II, A, renovation and addition district 4 office - Swanzy.

LXXVIII. The appropriation made to the department of transportation in 2005, 259:4, II, B, renovate patrol shed - Franconia.

LXXIX. The appropriation made to the department of transportation in 2005, 259:4, II, C, new patrol shed - Conway.

LXXX. The appropriation made to the department of transportation in 2005, 259:4, II, D, as amended by section 12 of this act, district 5 office - Bedford.

LXXXI. The appropriation made to the department of transportation in 2005, 259:4, II, E, salt storage sheds - statewide.

LXXXII. The appropriation made to the department of transportation in 2005, 259:4, II, H, energy/environmental renovations-statewide.

LXXXIII. The appropriation made to the department of transportation in 2005, 259:4, II, I, Chesterfield welcome center and Antrim rest area.

LXXXIV. The appropriation made to the department of transportation in 2005, 259:20, for underground fuel tank storage.

LXXXV. The appropriation made to the new Hampshire veterans' home in 2003, 240:1, XII, A, as extended by 2005, 259:25, LIII, for upgrade fire safety and renovation project.

LXXXVI. The appropriation made to the New Hampshire veterans' home in 2005, 259:1, XII, A, for HVAC, Tarr unit roof, life safety updates.

LXXXVII. The appropriation made to the New Hampshire veterans' home in 2006, 307:8, I, for recreation room storm repairs.

XXXXVIII. The appropriation made to the New Hampshire veterans' home in 2006, 307:8, II, for recreation room renovation.

19 Effective Date.

I. Section 18 of this act shall take effect June 30, 2007.

II. The remainder of this act shall take effect July 1, 2007.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.  
Rep. Packard spoke against.  
Rep. Campbell spoke in favor.  
Rep. Daniels requested a roll call; sufficiently seconded.

**YEAS 283 NAYS 73****YEAS 283****BELKNAP**

Arsenault, Beth  
Nedeau, Stephen  
Thomas, John  
Wood, Jane

Flanders, Donald  
Pilliod, James  
Tilton, Franklin

Heald, Bruce  
Reever, Judith  
Tobin, William

Millham, Alida  
Russell, David  
Whalley, Michael

**CARROLL**

Ahlgren, Christopher  
Butler, Edward  
Knox, J. David

Bridgham, Robert  
Chandler, Gene  
Morrow, Harry

Brown, Carolyn  
Cunningham, Howard  
Patten, Betsey

Buco, Thomas  
Heard, Virginia

**CHESHIRE**

Allen, Peter  
Butynski, William  
Espieffs, Peter  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

Burridge, Delmar  
Chase, William  
Hunt, John  
Parkhurst, Henry  
Robertson, Timothy

Butcher, Suzanne  
Dunn, J. Timothy  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Sad, Tara

Butterworth, Timothy  
Eaton, Daniel  
Loll, Thomas  
Richardson, Barbara  
Weber, Lucy

**COOS**

Hatch, William  
Remick, William

Mears, Edgar  
Theberge, Robert

Merrick, Evalyn  
Tholl, John Jr

Merrick, Scott  
Thomas, Yvonne

**GRAFTON**

Aguiar, James  
Bleyler, Ruth  
Gionet, Edmond  
Lovett, Sid  
Nordgren, Sharon  
Sorg, Gregory

Almy, Susan  
Bulis, Lyle  
Hammond, Lee  
Matheson, Robert  
Pierce, David  
Williams, Burton

Andersen, Gene  
Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Preston, Philip

Benn, Bernard  
Estes, Carole  
Laliberte, Suzanne  
Mulholland, Catherine  
Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
Beck, Catriona  
Chase, Claudia  
Daler, Jennifer  
Elliott, Nancy  
Fontas, Jeffrey  
Garrity, Patrick  
Hackel, Paul  
Hawkins, Ken  
Hunter, Bruce  
Kaelin, Michael  
Kopka, Angeline  
Levasseur, Nicolas  
Mack, Ron  
Matarazzo, Anthony Sr  
Movsesian, Lori  
Peterson, Andy

Barry, Richard  
Bergin, Peter  
Christensen, Chris  
Dokmo, Cynthia  
Emerton, Larry  
Forest, Armand  
Goley, Jeffrey  
Hall, Betty  
Hebert, Roger  
Irwin, Anne-Marie  
Kelley, John  
L'Heureux, Robert  
Levesque, Melanie  
Manney, Pamela  
Mesa, Lily  
O'Brien, Michael Jr  
Pilotte, Maurice

Batula, Peter  
Brunelle, Michael  
Clemons, Jane  
Drisko, Richard  
Essex, David  
Foster, Linda  
Gorman, Mary  
Hammond, Jill  
Hinkle, Peyton  
Jean, Claudette  
Knowles, John  
Lasky, Bette  
Lisle, Carolyn  
Marshall, Seth  
Messier, Irene  
O'Connell, Timothy  
Reeves, Sandra

Beaulieu, Jane  
Campbell, David  
Cote, David  
Edwards, Andrew  
Fletcher, Richard  
Gargasch, Carolyn  
Graham, John  
Harvey, Suzanne  
Holden, Randolph  
Judy, Jean  
Knowles, Mary Ann  
Leishman, Peter  
Long, Patrick  
Martineau, Jesse  
Mooney, Maureen  
O'Neil, James  
Reuschel, Michael

Rochette, Eric  
Shaw, Barbara  
Spratt, Stephen  
Tahir, Saghir

Rosenwald, Cindy  
Shaw, Kimberly  
Sullivan, Daniel  
Velez, Hector

Schulze, Joan  
Simon, Anthony  
Sullivan, Francis

Shattuck, Gilman  
Smith, David  
Sysyn, Mary

### MERRIMACK

Anderson, Eric  
Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Lockwood, Priscilla  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kelly, Sally  
MacKay, James  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kidder, David  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

### ROCKINGHAM

Abbott, Dennis  
Buxton, Donald  
Dalrymple, David  
Flanders, John Sr  
Gould, Kenneth  
Henson, John  
Johnson, Robert  
Kennedy, James  
McMahon, Charles  
Pantelakos, Laura  
Russell, Trinka  
Waterhouse, Kevin  
Wickson, Rick

Belanger, Ronald  
Case, Frank  
Day, Judith  
Flockhart, Eileen  
Griffin, Mary  
Howard, Doreen  
Katsakiores, George  
Marsh, Michael  
Moody, Marcia  
Pearson, Mark  
Sanders, Elisabeth  
Weare, Everett

Borden, David  
Casey, Kimberley  
DiFruscia, Anthony  
Garcia, Marilinda  
Grote, Otto  
Hutchinson, Karen  
Katsakiores, Phyllis  
McCarthy, Linda  
Moore, Bennett  
Powers, James  
Snow, Richard  
Welch, David

Brown, C. Pennington  
Charron, Gene  
Fesh, Bob  
Garrity, James  
Guthrie, Joseph  
Ingram, Russell  
Kelley, Jane  
McKenna, Daniel  
Nord, Susi  
Rausch, James  
Splaine, James  
Wells, Roger

### STRAFFORD

Berube, Roger  
Browne, Brendon  
Domingo, Baldwin  
Hubbard, Pamela  
Miller, Joseph  
Rous, Emma  
Vachon, Dennis

Billian, Deborah  
Burke, Rachel  
Fargo, Thomas  
Hutz, Sarah  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Brennan, William  
Cyr, James  
Goodwin, Earle  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Watson, Robert

Brown, Larry  
DeChane, Marlene  
Hofemann, Roland  
Knowles, William  
Rollo, Michael  
Sprague, Dale

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Skinder, Carla

Ferland, Brenda  
Houde, Matthew

### NAYS 73

### BELKNAP

Allen, Janet

Boyce, Laurie

Clark, Charles

Wendelboe, Fran

### CARROLL

Denley, William

Martin, James

Stevens, Stanley

### CHESHIRE

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

### COOS

King, Frederick

**GRAFTON**

Eaton, Stephanie

Ingbretson, Paul

**HILLSBOROUGH**

Bergeron, Jean-Guy

Christiansen, Lars

Clark, Mark

Coughlin, Pamela

Daniels, Gary

Day, Russell

Haefner, Robert

Hansen, Ryan

Hogan, Edith

Jasper, Shawn

Kurk, Neal

Lawrence, James

Lessard, Rudy

McRae, Karen

Moran, Edward

Ober, Lynne

Ober, Russell III

Price, Pamela

Renzullo, Andrew

Rowe, Robert

Soucy, Connie

Spaulding, Jayne

Stepanek, Stephen

Ulery, Jordan

Vaillancourt, Steve

Villeneuve, Maurice

Winters, Joel

**MERRIMACK**

Hess, David

Humphries, Charlie

Reed, Dennis

**ROCKINGHAM**

Allen, Mary

Baldasaro, Alfred

Bedrick, Jason

Bettencourt, David

Camm, Kevin

Carson, Sharon

Devine, James

Dumaine, Dudley

Elliott, Robert

Emiro, Frank

Gleason, John

Headd, James

Hopfgarten, Paul

Itse, Daniel

Kappler, Lawrence

Kepner, Susan

Lund, Howie

Major, Norman

McKinney, Betsy

Nowe, Ronald

Packard, Sherman

Priestley, Anne

Quandt, Marshall

Quandt, Matthew

Reagan, John

Stiles, Nancy

Weyler, Kenneth

Winchell, George

**STRAFFORD**

Spang, Judith

**SULLIVAN**

Rodeschin, Beverly

and the committee report was adopted.

Ordered to third reading.

**(Rep. Foster in the Chair)****REGULAR CALENDAR (CONT'D)**

**HB 472-FN**, increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements. **OUGHT TO PASS.**

Rep. Michael G. Marsh for Ways and Means: This bill increases the fee for hazardous waste permits, self-certification fees for small quantity waste generators, and fees for hazardous waste notifications. The bill also increases the fee for the generation of hazardous wastes by \$.03 per pound. The committee heard testimony that these fees go the Department of Environmental Services' Hazardous Waste Cleanup Fund, which pays to clean up waste sites in the state. This fund has seen its balance shrink in the current biennium. Without these fee increases, the Hazardous Waste Cleanup Fund will have a balance of less than \$1.4 million at the end of FY09, and the cost of cleaning up a single gas station spill could exceed this amount. In the hearing, we heard opposing testimony from a representative of the NH Auto Dealers Association who was concerned about the fee increase for small quantity waste generators like car repair shops. His concerns were answered by DES and he withdrew his opposition to the bill. Vote 15-0.

Committee report adopted and ordered to third reading.

**HB 599-FN**, relative to fees for meals and rentals licenses. **OUGHT TO PASS.**

Rep. Norman L. Major for Ways and Means: This bill was introduced at the request of the Department of Revenue Administration (DRA) to enable DRA to keep track of restaurant and restaurant licensees, many of whom change hands without notifying DRA thus making the collection of the meals and rentals tax difficult. This bill establishes an original license fee and a renewal fee of \$5 for meals and rental licenses. In years past, restaurants and rental licenses expired every two years but the statute was amended to make the licenses of indefinite term. As a result of that experiment, DRA has found it difficult to track the current owner of some facilities in order to collect the tax. This bill solves that problem at minimum cost and inconvenience to the owners. Vote 14-0.

Committee report adopted and ordered to third reading.

**HB 664-FN**, relative to annual dam registration and permit application fees. **OUGHT TO PASS.** Rep. Michael G. Marsh for Ways and Means: This bill raises the annual inspection fees the state charges owners of certain dams, and the fees it charges for dam construction or reconstruction permits. The fees are deposited in the dam maintenance fund and are used to pay for the inspection of dams. The Department of Environmental Services testified that these fee increases were required to fully fund and staff its dam inspection department, to insure that all of the approximately 1100 hazardous dams in state are inspected on a reasonable schedule. The committee was made aware of the cost in both money and lives should dams not be adequately inspected, and believed this was an important program and the self-funding mechanism is reasonable. The committee learned that non-hazard dams such as those found on farms are not subject to annual fees, and the cost of the fee is based on the anticipated cost to perform the inspection or permitting process. Vote 12-3. Committee report adopted and ordered to third reading.

**HB 815-FN-A**, requiring the display of boater education decals on vessels registered in other states. **OUGHT TO PASS.**

Rep. Michael G. Marsh for Ways and Means: This bill requires owners of boats not registered in New Hampshire to purchase and display an annual boater education decal on their boats if they wish to use them on New Hampshire waters. The decal is purchased for \$20, and the purchaser will receive boater educational safety materials. The committee heard testimony that at least 30,000 out-of-state boaters use New Hampshire lakes and rivers each year, and the state will receive between \$600,000 and \$750,000 in revenue from this program. This revenue will be equally shared between the lake restoration and preservation fund, the dam maintenance fund, the statewide public boat access fund, and the navigation safety fund. As all of these funds in some way benefit users of New Hampshire waters, and since out-of-state boaters otherwise do not pay the state for the use of our waters, the committee believed this was a reasonable fee to impose on out-of-state users. Vote 9-6. On a division vote, 236 members having voted in the affirmative and 109 in the negative, the committee report was adopted. Ordered to third reading.

(Speaker Norelli in the Chair)

### BILLS REMOVED FROM CONSENT CALENDAR

**HB 660-FN**, relative to an assistant state veterinarian. **INEXPEDIENT TO LEGISLATE.**

Rep. Frederick W. King for Finance: The committee believes that this position can be established when federal funds are available to support such a position through approval from the Fiscal Committee. This has become an acceptable procedure of state agencies and does not require general funds as the source of funds for new positions. Vote 21-2.

Rep. Vaillancourt spoke in favor.

On a division vote, 280 members having voted in the affirmative and 66 in the negative, the committee report was adopted.

**HB 897-FN-A**, relative to the salary of the state veterinarian. **INEXPEDIENT TO LEGISLATE.**

Rep. Neal M. Kurk for Finance: This bill would raise the labor grade of the state veterinarian. There is an established process to deal with such matters. The Department of Administrative Services, after consultation with an advisor, currently the Hay Group, periodically recommends labor grades and the appropriate salary range for each unclassified position in state government. The recommendations become law when approved by the legislature, usually in the so-called trailer bill that accompanies the budget. The committee believes that singling out one position for different treatment, as this bill does, would compromise the fairness underlying our salary-setting process and establish a very inappropriate precedent. Vote 24-0.

Rep. Vaillancourt spoke in favor.

On a division vote, 279 members having voted in the affirmative and 67 in the negative, the committee report was adopted.

### RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair. Adopted.



**LATE SESSION****Third reading and final passage**

**HB 83**, relative to the deliberations of the board of tax and land appeals under the right-to-know law.

**HB 137**, relative to food safety in restaurants.

**HB 440-FN**, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting.

**HB 221**, removing the requirement that the department of transportation report certain information relative to highway activity to the department of administrative services.

**HB 239-FN-A**, appropriating funds to the barn preservation fund matching grants program.

**HB 597-FN**, relative to expenditure caps for institutional health facilities under the certificate of need law.

**HB 623-FN**, establishing a game management account in the fish and game fund and transferring certain other fish and game accounts into the game management account.

**HB 911-FN-L**, establishing an automated external defibrillator advisory commission.

**HB 862-FN**, establishing an incapacitated adult fatality review committee.

**HB 337**, relative to penalties for failure to have workers' compensation coverage and continually appropriating a special fund.

**HB 471-FN-A**, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund.

**HB 714-FN**, relative to motorized watercraft rental agencies.

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

**HB 43**, relative to the procedure for establishing Medicaid reimbursement rates, establishing a committee to study Medicaid payments for hospital-based physician and outpatient services, and establishing a moratorium on certain reimbursement policy changes pending the results of the study.

**HB 407-FN-A**, relative to assistance for milk producers.

**HB 488-FN-A-L**, relative to the state chief medical examiner and medico-legal death investigations and making an appropriation to the department of justice for autopsy costs.

**HB 498-FN-A**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department.

**HB 661-FN-A**, establishing an executive planning commission on special education.

**HB 663-FN-A**, relative to the protected shoreland permitting process and establishing and funding positions within the department of environmental services.

**HB 721**, relative to the appropriation to the department of health and human services for rates paid for nursing services.

**HB 790-FN**, relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives.

**HB 796**, relative to civil liability for damaging highway protective barriers.

**HB 25-FN-A**, making appropriations for capital improvements.

**HB 472-FN**, increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements.

**HB 599-FN**, relative to fees for meals and rentals licenses.

**HB 664-FN**, relative to annual dam registration and permit application fees.

**HB 815-FN-A**, requiring the display of boater education decals on vessels registered in other states.

**SENATE MESSAGES****CONCURRENCE**

**HB 33**, relative to the compensation of members of the county convention.

**HB 167**, relative to areas of assessment required under the statewide improvement and assessment program.

**HB 704**, relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls.

**HCR 2**, urging the federal government to establish a post office and a zip code in the town of Lee.

**HCR 4**, recognizing the sacrifices and service of New Hampshire Air Force veterans on the 60<sup>th</sup> anniversary of the United States Air Force.

**LAID ON THE TABLE**

**HB 87**, relative to the exceptions to compulsory school attendance.

**UNANIMOUS CONSENT**

Rep. Guthrie addressed the House.

**MOTION TO PRINT REMARKS**

Rep. Graham moved that the remarks made by Rep. Guthrie be printed in the Permanent Journal. Without objection, the Speaker so ordered.

**REMARKS**

**Rep. Guthrie:** Thank you, Madam Speaker. It is with deep regret that I have to rise to say that we have lost a native son in Iraq. Hampstead resident Captain Jonathan Grassbaugh, U.S. Army Ranger, was killed last week outside of Baghdad. He was killed in a roadside bomb incident that killed at least three others. He was 25 years old and on his 2nd tour of duty in Iraq. He leaves behind his wife who he married just last June, Jenna, mother Patty, father Mark and a brother Jason. They are a military family. Jonathan will be remembered as an exceptional student, a wonderful son, brother and husband. He was a proud and dedicated career military officer. The town of Hampstead was grief stricken in losing their 2nd son in little over a year. Marine PFC Matthew Bertolino was killed in Afghanistan on February 9, 2006. Please join me in reflecting on all the losses of our brave servicemen and women and take a moment of silence in respect to the loss of Jonathan. Thank you.

**MOMENT OF SILENCE**

A moment of silence was observed in honor and memory of fallen soldier, Captain Jonathan Grassbaugh.

**RECESS MOTION**

Rep. Wallner moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages.  
Adopted.

The House recessed at 4:35 p.m.

**RECESS**

**(Rep. Wallner in the Chair)**

**RESOLUTION**

Rep. Roberts offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 71, 82, 102, 117, 123, 126, 131, 143, 146, 154, 157, 162, 166, 172, 173, 182, 183, 189, 194, 201, 204, 207, 233 through 235, 237, 241, 242, 244, 247, 254, 258 and 261 and Senate Concurrent Resolution number 3 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.  
Adopted.

**INTRODUCTION OF SENATE BILLS AND SCR****First, second reading and referral**

**SB 71**, relative to setback requirements for new landfills located near designated rivers. (Environment and Agriculture)

**SB 82-FN**, reorganizing the administration and governance of the regional community-technical college system. (Education)

**SB 102-FN**, relative to the powers of state government in the event of an incident or outbreak of communicable disease. (Health, Human Services and Elderly Affairs)

**SB 117-FN**, relative to fireworks display permits and the position of permissible fireworks inspector. (Executive Departments and Administration)

**SB 123**, relative to pole attachments. (Science, Technology and Energy)

**SB 126-FN-A**, relative to motor vehicle fines. (Transportation)

**SB 131**, relative to insurance coverage for services of midwives. (Commerce)

**SB 143**, naming Jericho Mountain state park and establishing ATV and trail bike trails in such park. (Resources, Recreation and Development)

**SB 146-FN**, relative to allowing service credit for certain court system employment. (Executive Departments and Administration)

**SB 154**, relative to the workers' compensation compliance statement. (Labor, Industrial and Rehabilitative Services)

**SB 157**, establishing a committee to study the criteria necessary for the creation of a master plan for the development of future all-terrain vehicle parks. (Resources, Recreation and Development)

**SB 162**, establishing a commission to oversee and negotiate issues relative to the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO). (Labor, Industrial and Rehabilitative Services)

**SB 166-FN**, relative to port moorings. (Executive Departments and Administration)

**SB 172-FN-L**, allowing counties to share correctional facilities. (Municipal and County Government)

**SB 173**, relative to regulation of private postsecondary career schools. (Education)

**SB 182**, establishing a committee to study the confidentiality of health care records in abuse and neglect proceedings. (Health, Human Services and Elderly Affairs)

**SB 183-FN**, requiring health insurance plans for family coverage to extend to dependent under age 26. (Commerce)

**SB 189**, relative to medical benefits under motor vehicle insurance. (Commerce)

**SB 194**, establishing a commission to study the trafficking of persons across borders for sexual and labor exploitation. (Criminal Justice and Public Safety)

**SB 201**, authorizing certain Keene state college campus safety officers to detain individuals pending arrest or protective custody. (Criminal Justice and Public Safety)

**SB 204-FN-A**, relative to collection of debts owed the state. (Executive Departments and Administration)

**SB 207**, extending the committee to study the funding necessary to operate the hazardous materials program in New Hampshire. (Environment and Agriculture)

**SB 233-FN**, relative to sales by beverage manufacturers and relative to the definition of specialty beer. (Executive Departments and Administration)

**SB 234-FN**, relative to privileges, benefits, and immunities for national guard members. (State-Federal Relations and Veterans Affairs)

**SB 235-FN-A**, relative to milk support for dairy farmers. (Environment and Agriculture)

**SB 237**, establishing a council on employment issues affecting veterans. (Labor, Industrial and Rehabilitative Services)

**SB 241**, relative to availability of cable television in manufactured housing parks. (Science, Technology and Energy)

**SB 242-FN**, establishing the intellectual property business loan development program. (Commerce)

**SB 244**, relative to employers withholding from employees' wages for certain purposes. (Labor, Industrial and Rehabilitative Services)

**SB 247**, establishing a committee to study the adjudication of land use issues and ordinance violations. (Municipal and County Government)

**SB 254**, relative to legal representation during contract negotiations. (Commerce)

**SB 258**, relative to reliance on ethics committee advisory opinions. (Legislative Administration)

**SB 261**, naming the state law library the John W. King law library. (Judiciary)

**SCR 3**, urging preservation of traditional powers of state and local governments under international trade agreements. (State-Federal Relations and Veterans Affairs)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 33, 167 and 704.

Rep. Hager, Sen. D'Allesandro for the Committee

### RECESS

(Rep. Phyllis Katsakiores in the Chair)

### RESOLUTION

Rep. Whalley offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 45, 66 through 68, 81, 92, 98, 101, 109, 134, 138, 140,

152, 176, 178, 188, 191, 213, 217, 224, 226, 236, 251, 262, 263 and 265 and Constitutional Amendment Concurrent Resolution number 18 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.  
Adopted.

## INTRODUCTION OF SENATE BILLS AND CACR

### First, second reading and referral

**SB 45**, changing the name of the ballot law commission to the elections and ballot law commission, increasing the membership of the commission, and requiring the commission to propose redistricting plans. (Election Law)

**SB 66**, relative to involuntary civil commitment of sexually violent predators and relative to payment of the sex offender registration fee by criminal offenders. (Criminal Justice and Public Safety)

**SB 67-FN-A**, relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor. (Public Works and Highways)

**SB 68-FN-A**, making an appropriation to the department of environmental services to implement the New Hampshire estuaries project's comprehensive conservation and management plan. (Environment and Agriculture)

**SB 81**, relative to the state building code. (Executive Departments and Administration)

**SB 92**, relative to the definition of employee and clarifying the criteria for exempting workers from employee status. (Labor, Industrial and Rehabilitative Services)

**SB 98**, relative to party access to voter information. (Election Law)

**SB 101**, relative to payment of costs for certain students attending alternative education programs. (Education)

**SB 109**, relative to emergency powers of the supreme court. (Judiciary)

**SB 134-FN-A**, establishing a research and development credit against business taxes. (Ways and Means)

**SB 138-FN-A**, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making appropriations therefor. (Health, Human Services and Elderly Affairs)

**SB 140**, relative to transmission upgrades, the process for siting renewable generation facilities, and the study of demand response programs and distributed generation. (Science, Technology and Energy)

**SB 152**, relative to permanency planning for delinquent children, abused and neglected children, and children in need of services. (Children and Family Law)

**SB 176-FN**, relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standards. (Health, Human Services and Elderly Affairs)

**SB 178-FN**, relative to the judicial retirement plan. (Executive Departments and Administration)

**SB 188**, relative to unfair claim settlement practices by insurers. (Commerce)

**SB 191-FN-A**, relative to the nongame species account in the fish and game fund. (Fish and Game)

**SB 213-FN-A**, establishing a comprehensive cancer plan fund and making an appropriation therefor, and establishing a comprehensive cancer plan oversight board. (Health, Human Services and Elderly Affairs)

**SB 217-FN-A**, establishing the New Hampshire housing and conservation planning program. (Municipal and County Government)

**SB 224-FN-A**, relative to the telecommunications planning and development advisory committee. (Science, Technology and Energy)

**SB 226-FN**, relative to the temporary assistance to needy families (TANF) program. (Health, Human Services and Elderly Affairs)

**SB 236**, extending the authority for police mutual aid. (Municipal and County Government)

**SB 251**, allowing the board of medicine to issue licenses for physicians to engage in a correctional institution medical practice. (Executive Departments and Administration)

**SB 262**, establishing a committee to study certain prohibitions on smoking. (Commerce)

**SB 263**, establishing a committee to study Medicaid payments for hospital-based physicians and outpatient services and establishing a moratorium on certain reimbursement policy changes pending the study's recommendations. (Finance)

**SB 265-FN**, relative to the state apprenticeship council and the regulation of apprenticeship programs. (Labor, Industrial and Rehabilitative Services)

**CACR 18**, relating to funding of public education. Providing that the general court shall define an adequate education, regularly determine the cost thereof, fund not less than fifty percent of the total statewide cost of an adequate education each year and distribute state aid to promote equal opportunity to receive an adequate education. (Finance)

# RECESS

**(Rep. Lasky in the Chair)**

## SENATE MESSAGES

### CONCURRENCE

**HB 72**, relative to the payment of municipal sewage assessments.

**HB 107-L**, authorizing towns to charge property owners for solid waste removal.

**HB 118**, reducing a prior appropriation to the department of transportation to purchase flood damaged property and extending the commission to determine the appropriate public use of the property.

**HB 120**, relative to extending polling hours.

**HB 132**, relative to domicile for voting purposes.

**HB 133**, relative to voter registration forms.

**HB 155**, relative to membership of the state building code review board.

**HB 166**, relative to the definition of a bridge.

**HB 209**, relative to eligibility for farm plates.

**HB 215**, relative to fees for hearing care providers.

**HB 216**, establishing a commission to study the causes, effects, and remediation of siltation in the Great Bay Estuary.

**HB 220**, establishing a reporting requirement for departments that receive highway funds.

**HB 242**, relative to the declaration of candidacy form.

**HB 307**, relative to examinations of electricians by the electricians' board.

**HB 372-FN-A**, exempting motor vehicles equipped and used for transporting disabled persons from the tax on rental of motor vehicles.

**HB 417-FN-A**, allowing the department of safety to transfer funds within the budget of the division of state police.

**HB 438**, renaming a certain island in Blackey's Cove in Lake Winnepesaukee.

**HB 469**, relative to on-premises cocktail lounge licenses for caterers and relative to beverage manufacturer hospitality rooms.

**HB 473-FN**, relative to reimbursement for members of the council for teacher education.

**HB 483-FN**, relative to mosquito control districts.

**HB 658**, prohibiting the taking of game by use of a tranquilizer.

**HB 846**, transferring certain land in the town of Stoddard from the Trust for Public Land to the fish and game department.

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 72, 107, 118, 120, 132, 133, 155, 166, 209, 215, 242, 307, 372, 417, 438, 469, 473, 483 and 658.

Rep. Hager, Sen. D'Allesandro for the Committee

# RECESS

**(Rep. Foster in the Chair)**

## ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bill number 514.

Rep. Hager, Sen. D'Allesandro for the Committee

# RECESS

**(Speaker Norelli in the Chair)**

Rep. Daniel Eaton moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 15

Wednesday, May 2, 2007

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

O God of time; God of endless time; God of abundant, infinite time, we pause at the beginning of yet another busy day to prepare ourselves for the work ahead of us. We multi-taskers and list-makers who have grown perfectly accustomed to backing out of our parking spots with one hand on the wheel and the other clutching our cell phone, help us to pause in this moment of silence from all of our frenetic doing, and simply remember that every now and then during a day, it is enough simply to be.

We give thanks for this glorious day, and for this opportunity to honor it with the work we do and the words we share. Consecrate this time to the purposes You have in mind. And by Your Grace we pray, care for those whose needs for health and healing we lift up today: Representative Stephen Johnson, Steve Holland who works in Information Services, and Lily Carson of the Clerk's office. We lift into Your care as well any of our loved ones who are sick or hospitalized, and the needs of any of the residents of this state who suffer this day. In Your Holy name we pray. Amen.

Rep. Earle Goodwin, member from Dover, led the Pledge of Allegiance.

The National Anthem was sung by Kristen Warren of Rochester, a senior at the University of New Hampshire and daughter of Representative Warren.

### LEAVES OF ABSENCE

Reps. Mark Clark, Domingo, Fletcher, Hunter, Stephen Johnson, Laliberte, Solomon and Stohl, the day, illness.

Reps. Ahlgren, Gene Andersen, Barry, Bishop, Campbell, Dumaine, Ferland, Forsing, Gould, Grassie, Haley, Lee Hammond, Ingbreton, Introne, John Knowles, Mary Ann Knowles, Lessard, McGuirk, Owen, Rochette, Serlin, Yvonne Thomas, Tobin and Wallner, the day, important business.

Reps. Benn and Casey, the day, illness in the family.

### INTRODUCTION OF GUESTS

Maryann Briggs and Melisa Briggs, guests of the House. Nicole Knox DiCenzo, Cathy Crane and Mark Burzynski, guests of the House. Maureen Tessier, representing the Manchester Police Department, guest of Rep. Porter. Lieutenant Colonel Wayne Nicoll, US Army retired, and Jemi Nicoll, guests of Rep. Franklin Tilton.

### COMMUNICATION

April 28, 2007

The Honorable Terie Norelli  
Speaker, House of Representatives  
North Main St.  
Concord, NH 03301

Dear Madame Speaker,

It is with sincere regret that I write you today to submit my resignation from the New Hampshire House of Representatives. Circumstantial changes affecting both my professional and personal life have required me to seek a new career path and home. After careful consideration, I have accepted a position in San Francisco, which is, unfortunately, located well west of Rockingham County, District 14.

I regret that I am not able to participate fully and complete my term during this exciting and historic period of the New Hampshire General Court. However, during my short tenure here, I have been most honored and proud to have participated in ground-breaking civil rights legislation that I certainly plan to brag about in San Francisco.

Furthermore, it has been an honor to serve my Rockingham County constituents in the Public Works and Highways Committee. My best thoughts and wishes go to my House colleagues as they continue to provide their invaluable service to the people of the state of New Hampshire.

Best Regards,  
Rep. Peter O'Keefe  
Rockingham County  
District 14  
12 Ocean Blvd  
Seabrook, NH 03874

The Speaker accepted the resignation.

#### **MOTION TO VACATE**

Rep. Rous moved that the House vacate the reference of ***SB 168-FN***, establishing tuition waivers for foster children, to the Committee on Education.

Adopted.

The Speaker referred ***SB 168-FN*** to the Committee on Children and Family Law.

#### **MOTION TO VACATE**

Rep. Phinizy moved that the House vacate the reference of ***SB 68-FN-A***, making an appropriation to the department of environmental services to implement the New Hampshire estuaries project's comprehensive conservation and management plan, to the Committee on Environment and Agriculture.

Adopted.

The Speaker referred ***SB 68-FN-A*** to the Committee on Resources, Recreation and Development.

#### **MOTION TO VACATE**

Rep. Irwin moved that the House vacate the reference of ***SB 233-FN***, relative to sales by beverage manufacturers and relative to the definition of specialty beer, to the Committee on Executive Departments and Administration.

Adopted.

The Speaker referred ***SB 233-FN*** to the Committee on Commerce.

#### **MOTION TO VACATE**

Rep. Ryan moved that the House vacate the reference of ***SB 56***, relative to Old Drewsville Road in the town of Walpole, to the Committee on Transportation.

Adopted.

The Speaker referred ***SB 56*** to the Committee on Public Works and Highways.

### **COMMITTEE REPORTS**

#### **CONSENT CALENDAR**

Rep. Daniel Eaton moved that the Consent Calendar as printed in the day's House Record be adopted. Consent Calendar adopted.

***SB 37***, relative to accidental death benefit payments in the city of Manchester employees' contributory retirement system. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill clarifies that the accidental death benefit paid to a retiree in the Manchester Retirement System will be 50% of the final average earnings and will be paid in equal monthly installments. The way the current language is written a claimant could receive 50% of the member's final average salary on a monthly basis. The Mayor and Board of Aldermen in Manchester support this unanimously. Vote 12-0.

***SB 43***, relative to the training for barbers and establishing the master barber license under the board of barbering, cosmetology, and esthetics. **OUGHT TO PASS.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill establishes the qualifications for licensed barbers and establishes a category of licensed master barber under the board of cosmetology, barbering and esthetics. This bill was described as very much needed by the cosmetology board as barbering is considered to be a dying art in the state. Many individuals avoid pursuing a career in barbering because the 1500 hours of training required working with

chemicals. SB 43 creates a barbers license without chemical services being required. This legislation enables an individual to go to school for 800 hours instead of 1500 hours. The focus of the training will be on barbering and not on coloring and perming hair. People taking the 1500 hour course will be called a master barber. Those currently licensed with the board of cosmetology will obtain a new master barber title. Vote 10-1.

**SB 164**, relative to renewals and reinstatements of licenses issued by the board of dental examiners and procedures of the board. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill cleans up language of RSA 317 in various areas regarding renewals and reinstatements of lapsed licenses by the dental board. It lays out procedures and better defines when a renewal application is actually received by the dental board using a date and time stamp. It also clarifies the inactive status of members, as well as exempting members of the Armed Forces serving on duty, from having to be in active practice in New Hampshire prior to renewal. Vote 11-0.

**SB 200-FN**, relative to the state directory of new hires. **OUGHT TO PASS.**

Rep. James F. Headd for Executive Departments and Administration: This bill eliminates a loop hole in current law which allows a "deadbeat" parent under court order to make child support payments, the opportunity to quit his/her state job then return 26 weeks later and NOT be reported as back on the payroll to the Department of Employment Security. This correction permits the reporting of this individual as back on the payroll and allows for child support to be withheld from the individual's wages. Vote 12-0.

**SB 39**, allowing a newly-retired supreme court justice to continue to participate as a temporary justice in a case held before retirement but decided after. **OUGHT TO PASS.**

Rep. Lucy M. Weber for Judiciary: Currently, RSA 490:3,II requires all retired judges to be randomly assigned to each and every case on which they sit. This bill creates a narrow exception to allow a justice who sat on the case prior to retirement to continue on the case until a decision is handed down. The committee determined this exception promotes truth, judicial efficiency, and the American way. Random assignment of judges would continue to be required for any subsequent hearings in the case. Vote 17-0.

**SB 51**, transferring authority over court forms from the supreme court to the judicial branch administrative council. **OUGHT TO PASS.**

Rep. Lucy M. Weber for Judiciary: The Supreme Court requested this bill which delegates to the judicial branch administrative council the day-to-day administrative responsibility for court forms. The Supreme Court retains overall constitutional responsibility for and oversight of the forms. Vote 17-0.

**SB 252**, relative to publication of supreme court reports. **OUGHT TO PASS.**

Rep. Gary B. Richardson for Judiciary: SB 252 changes certain hard-cover publication requirements for Supreme Court reports. This bill changes the deadline for publication from 120 days to as soon as practicable and clarifies that the publication need include only formal opinions of the court. The court already publishes opinions immediately after they are issued on the Internet and to the parties. The bill would not change that practice. Vote 16-0.

**SB 64**, changing the dates of the reports on court facilities made to the supreme court by the court accreditation commission and made to the commissioner of administrative services by the supreme court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B. Campbell for Public Works and Highways: This bill and its amendment merely change the due dates of the reports on court facilities to make them consistent with the capital budget process. Vote 17-0.

#### **Amendment (1297h)**

Amend RSA 490-B:4 as inserted by section 2 of the bill by replacing it with the following:

490-B:4 Facilities Plan. ~~[By July 1]~~ **Before March** 1 of each year, the supreme court shall submit a report to the commissioner of administrative services setting forth the space and facility operating requirements for each court location.

#### **AMENDED ANALYSIS**

This bill changing the dates of the reports on court facilities made to the supreme court by the court accreditation commission and made to the commissioner of administrative services by the supreme court.



**SB 238**, relative to funding for the Groveton Branch Corridor repairs. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: This bill would take \$500,000 from a previous capital budget and utilize the funds to repair a rail spur from Groveton to Whitefield. The committee feels strongly that all capital expenditures should be contained in the biennial capital budget. The House recently completed work on the most recent capital requests and this project was not brought up at any of the hearings or work sessions conducted by the committee. Additionally, the final Capital Budget approved by the House utilizes the funds mentioned in this bill for other rail projects. To pass this bill would mean amending the Capital Budget which is no longer in the possession of either this committee or the House. Therefore, the committee unanimously recommends that this bill be found ITL. Vote 16-0.

### REGULAR CALENDAR

**SB 83**, naming the Epsom traffic circle in honor of Officer Jeremy Charron and Officer Michael Briggs and naming a portion of Route 4 in honor of Officer Michael Briggs. **OUGHT TO PASS.** Rep. Carole M. Brown for Public Works and Highways: This bill dedicates the Epsom Traffic Circle in honor of Officer Jeremy Charron and Officer Michael Briggs. The bill also dedicates the portion of Route 4 through the Town of Epsom after Officer Michael Briggs. The committee felt that these two civil servants served their communities and State with honor. Vote 16-0.

Rep. Porter spoke in favor.

Rep. L'Heureux requested a roll call; sufficiently seconded.

### YEAS 325 NAYS 0

#### YEAS 325

#### BELKNAP

Allen, Janet	Arsenault, Beth	Boyce, Laurie	Clark, Charles
Flanders, Donald	Heald, Bruce	Millham, Alida	Pilliod, James
Reever, Judith	Russell, David	Thomas, John	Tilton, Franklin
Wendelboe, Fran	Whalley, Michael		

#### CARROLL

Bridgham, Robert	Brown, Carolyn	Buco, Thomas	Butler, Edward
Chandler, Gene	Cunningham, Howard	Denley, William	Heard, Virginia
Knox, J. David	Martin, James	Merrow, Harry	Patten, Betsey
Stevens, Stanley			

#### CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Emerson, Susan	Espiefs, Peter	Hunt, John	Johnson, Jane
Lerandean, Alfred	Loll, Thomas	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

#### COOS

Hatch, William	King, Frederick	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Remick, William	Theberge, Robert	Tholl, John Jr

#### GRAFTON

Aguiar, James	Almy, Susan	Bleyler, Ruth	Bulis, Lyle
Cooney, Mary	Eaton, Stephanie	Estes, Carole	Friedrich, Carol
Gionet, Edmond	Harding, A Laurie	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip	Sorg, Gregory	Williams, Burton	

#### HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Beck, Catriona
Bergeron, Jean-Guy	Bergin, Peter	Brunelle, Michael	Chase, Claudia

Christiansen, Lars  
Coughlin, Pamela  
Dokmo, Cynthia  
Essex, David  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Hogan, Edith  
Jean, Claudette  
Kopka, Angeline  
Leishman, Peter  
Long, Patrick  
Martineau, Jesse  
Movsesian, Lori  
O'Neil, James  
Pilotte, Maurice  
Reuschel, Michael  
Shattuck, Gilman  
Smith, David  
Stepanek, Stephen  
Tahir, Saghir  
Villeneuve, Maurice

Clemons, Jane  
Daler, Jennifer  
Drisko, Richard  
Fontas, Jeffrey  
Goley, Jeffrey  
Haefner, Robert  
Hawkins, Ken  
Infantine, William  
Judy, Jean  
Kurk, Neal  
Levasseur, Nickolas  
Mack, Ron  
McRae, Karen  
Nagle, Maureen  
Ober, Lynne  
Price, Pamela  
Rosenwald, Cindy  
Shaw, Barbara  
Soucy, Connie  
Sullivan, Daniel  
Ulery, Jordan  
Winters, Joel

Cote, David  
Daniels, Gary  
Edwards, Andrew  
Forest, Armand  
Gorman, Mary  
Hall, Betty  
Hebert, Roger  
Irwin, Anne-Marie  
Kaelin, Michael  
L'Heureux, Robert  
Levesque, Melanie  
Manney, Pamela  
Messier, Irene  
O'Brien, Michael Sr  
Ober, Russell III  
Reeves, Sandra  
Rowe, Robert  
Shaw, Kimberly  
Spaulding, Jayne  
Sullivan, Francis  
Vaillancourt, Steve

Cote, Peter  
Day, Russell  
Elliott, Nancy  
Foster, Linda  
Graham, John  
Hammond, Jill  
Hinkle, Peyton  
Jasper, Shawn  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Marshall, Seth  
Mooney, Maureen  
O'Connell, Timothy  
Peterson, Andy  
Renzullo, Andrew  
Schulze, Joan  
Simon, Anthony  
Spratt, Stephen  
Sysyn, Mary  
Velez, Hector

### MERRIMACK

Anderson, Eric  
Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
Kelly, Sally  
MacKay, James  
Potter, Frances  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Kidder, David  
McMahon, Patricia  
Reardon, Tara  
Shurtleff, Stephen  
Webb, Leigh

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Hess, David  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reed, Dennis  
Tilton, Joy  
Wheeler, Deborah

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Humphries, Charlie  
Lockwood, Priscilla  
Porter, Margaret  
Richardson, Gary  
Tupper, Frank  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Belanger, Ronald  
Buxton, Donald  
Case, Frank  
Devine, James  
Flanders, John Sr  
Griffin, Mary  
Henson, John  
Itse, Daniel  
Kepner, Susan  
Marsh, Michael  
McMahon, Charles  
Nord, Susi  
Powers, James  
Reagan, John  
Snow, Richard  
Weare, Everett  
Wickson, Rick

Allen, Mary  
Bettencourt, David  
Cali-Pitts, Jacqueline  
Charron, Gene  
Elliott, Robert  
Flockhart, Eileen  
Grote, Otto  
Hopfgarten, Paul  
Johnson, Robert  
Lister, Charlotte  
McEachern, Paul  
Moody, Marcia  
Nowe, Ronald  
Priestley, Anne  
Robertson, Carl  
Splaine, James  
Welch, David  
Winchell, George

Baldasaro, Alfred  
Borden, David  
Camm, Kevin  
Dalrymple, David  
Emiro, Frank  
Garcia, Marilinda  
Guthrie, Joseph  
Howard, Doreen  
Kappler, Lawrence  
Lund, Howie  
McKenna, Daniel  
Moore, Benjamin  
Packard, Sherman  
Quandt, Marshall  
Russell, Trink  
Stiles, Nancy  
Wells, Roger

Bedrick, Jason  
Brown, C. Pennington  
Carson, Sharon  
Day, Judith  
Fesh, Bob  
Garrity, James  
Headd, James  
Ingram, Russell  
Kelley, Jane  
Major, Norman  
McKinney, Betsy  
Moore, Bennett  
Pantelakos, Laura  
Rausch, James  
Sanders, Elisabeth  
Waterhouse, Kevin  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Brown, Julie

Billian, Deborah  
Brown, Larry

Brennan, William  
Browne, Brendon

Brown, Jennifer  
Burke, Rachel

Cyr, James  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

DeChane, Marlene  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Wall, Janet

Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Warren, Nancy

Goodwin, Earle  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srnc, Robert  
Watson, Robert

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Rodeschin, Beverly

Franklin, Peter  
Jillette, Arthur Jr  
Skinder, Carla

### NAYS

### BELKNAP

None

### CARROLL

None

### CHESHIRE

None

### COOS

None

### GRAFTON

None

### HILLSBOROUGH

None

### MERRIMACK

None

### ROCKINGHAM

None

### STRAFFORD

None

### SULLIVAN

None

and the committee report was adopted.  
Ordered to third reading.

### MOTION TO PRINT REMARKS

Rep. Patrick Garrity moved that the remarks made during the debate on **SB 83**, naming the Epsom traffic circle in honor of Officer Jeremy Charron and Officer Michael Briggs and naming a portion of Route 4 in honor of Officer Michael Briggs, be printed in the Permanent Journal.  
Without objection, the Speaker so ordered.

### REMARKS

**Rep. Porter:** Thank you, Madam Speaker. Esteemed colleagues of the General Court, in the aftermath of senseless tragedy, we strive to comfort those who mourn and we raise up the fallen in whatever way we can. That is how Senate Bill 83 came to be. What a privilege and a sobering responsibility, to serve as one of the three House co-sponsors of this legislation. The purpose of the bill before us this morning is to establish a new and official memorial for Officer Michael Briggs and Officer Jeremy Charron. Michael Briggs grew up in Epsom. He and Jeremy Charron served

together on the Epsom Police force. Very early on the morning of August 24, 1997, nearly ten years ago, Officer Charron, age 24, was killed on duty. Many in Epsom recall with painful clarity the news of his violent and untimely death in our pleasant and peaceful riverside park. Had he lived, he would surely have emulated the exemplary and inspiring career of his comrade Michael Briggs, a pallbearer at his funeral, who later served several other New Hampshire communities with distinction. On October 16, 2006, Officer Briggs, a son, husband and father, age 35, was violently taken from those he loved and who loved him, in one of the Manchester neighborhoods he patrolled. This, the day we honor him, is his birthday. A portion of Route 28 in Epsom already bears Jeremy Charron's name. The passage of Senate Bill 83 conveys an identical honor on Michael Briggs, naming a portion of Route 4 for him. Shortly before Officer Briggs fell, a beautification project was undertaken to improve the Epsom Traffic Circle. Our action today will ensure that thousands of drivers who daily navigate the junction of Route 4 and Route 28 will reflect upon the sacrifice of these brave officers. It will be a visible, permanent symbol that demonstrates to their families and friends, travelers and all law enforcement personnel that their all-too-brief lives are respectfully and perpetually remembered. Honorable members, in unanimously affirming Senate Bill 83, let us unite in the hope that we shall have no cause, ever again, to enact similar legislation in the future. Thank you, Madam Speaker.

### REGULAR CALENDAR (CONT'D)

#### **SB 86, naming a bridge in Plymouth. OUGHT TO PASS.**

Rep. Franklin T. Tilton for Public Works and Highways: This names the bridge on Route 175-A spanning the Pemigewasset River in Plymouth in honor of Captain Douglas A. DiCenzo, U. S. Army, who was killed in Iraq on May 25, 2006. Captain DiCenzo, a graduate of Plymouth Regional High School and the United States Military Academy, was an outstanding athlete, a remarkable leader, a dedicated patriot, and truly one of New Hampshire's finest heroes. Vote 15-0.

Reps. Franklin Tilton and Cooney spoke in favor.

Rep. Schmidt requested a roll call; sufficiently seconded.

### YEAS 330 NAYS 1

#### YEAS 330

##### BELKNAP

Allen, Janet	Arsenault, Beth	Boyce, Laurie	Clark, Charles
Flanders, Donald	Heald, Bruce	Millham, Alida	Pilliod, James
Reever, Judith	Russell, David	Thomas, John	Tilton, Franklin
Wendelboe, Fran	Whalley, Michael		

##### CARROLL

Bridgham, Robert	Brown, Carolyn	Buco, Thomas	Butler, Edward
Cunningham, Howard	Denley, William	Heard, Virginia	Knox, J. David
Martin, James	Morrow, Harry	Patten, Betsey	Stevens, Stanley

##### CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Emerson, Susan	Espieffs, Peter	Hunt, John	Johnson, Jane
Lerandeau, Alfred	Loll, Thomas	Mitchell, Bonnie	Parkhurst, Henry
Pliifka, Stanley Jr	Richardson, Barbara	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

##### COOS

Hatch, William	King, Frederick	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Remick, William	Theberge, Robert	Tholl, John Jr

##### GRAFTON

Aguiar, James	Almy, Susan	Bleyler, Ruth	Bulis, Lyle
Cooney, Mary	Eaton, Stephanie	Estes, Carole	Friedrich, Carol

Gionet, Edmond  
McLeod, Martha  
Preston, Philip

Harding, A Laurie  
Mulholland, Catherine  
Sorg, Gregory

Lovett, Sid  
Nordgren, Sharon  
Williams, Burton

Matheson, Robert  
Pierce, David

### HILLSBOROUGH

Baroody, Benjamin  
Bergeron, Jean-Guy  
Christiansen, Lars  
Coughlin, Pamela  
Dokmo, Cynthia  
Essex, David  
Garrity, Patrick  
Hackel, Paul  
Hansen, Ryan  
Hinkle, Peyton  
Jasper, Shawn  
Kelley, John  
Lasky, Bette  
Levesque, Melanie  
Manney, Pamela  
McRae, Karen  
Movsesian, Lori  
O'Neil, James  
Pilotte, Maurice  
Reuschel, Michael  
Shattuck, Gilman  
Smith, David  
Stepanek, Stephen  
Tahir, Saghir  
Villeneuve, Maurice

Batula, Peter  
Bergin, Peter  
Clemons, Jane  
Daler, Jennifer  
Drisko, Richard  
Fontas, Jeffrey  
Goley, Jeffrey  
Haefner, Robert  
Harvey, Suzanne  
Hogan, Edith  
Jean, Claudette  
Kopka, Angeline  
Lawrence, James  
Lisle, Carolyn  
Marshall, Seth  
Mesa, Lily  
Nagle, Maureen  
Ober, Lynne  
Price, Pamela  
Rosenwald, Cindy  
Shaw, Barbara  
Soucy, Connie  
Sullivan, Daniel  
Ulery, Jordan  
Winters, Joel

Beaulieu, Jane  
Brunelle, Michael  
Cote, David  
Daniels, Gary  
Edwards, Andrew  
Forest, Armand  
Gorman, Mary  
Hall, Betty  
Hawkins, Ken  
Infantine, William  
Judy, Jean  
Kurk, Neal  
Leishman, Peter  
Long, Patrick  
Martineau, Jesse  
Messier, Irene  
O'Brien, Michael Sr  
Ober, Russell III  
Reeves, Sandra  
Rowe, Robert  
Shaw, Kimberly  
Spaulding, Jayne  
Sullivan, Francis  
Vaillancourt, Steve

Beck, Catriona  
Chase, Claudia  
Cote, Peter  
Day, Russell  
Elliott, Nancy  
Foster, Linda  
Graham, John  
Hammond, Jill  
Hebert, Roger  
Irwin, Anne-Marie  
Kaelin, Michael  
L'Heureux, Robert  
Levasseur, Nickolas  
Mack, Ron  
Matarazzo, Anthony Sr  
Mooney, Maureen  
O'Connell, Timothy  
Peterson, Andy  
Renzullo, Andrew  
Schulze, Joan  
Simon, Anthony  
Spratt, Stephen  
Sysyn, Mary  
Velez, Hector

### MERRIMACK

Anderson, Eric  
Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
Kelly, Sally  
MacKay, James  
Potter, Frances  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Kidder, David  
McMahon, Patricia  
Reardon, Tara  
Shurtleff, Stephen  
Webb, Leigh

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Hess, David  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reed, Dennis  
Tilton, Joy  
Wheeler, Deborah

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Humphries, Charlie  
Lockwood, Priscilla  
Porter, Margaret  
Richardson, Gary  
Tupper, Frank  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Belanger, Ronald  
Buxton, Donald  
Case, Frank  
Devine, James  
Fesh, Bob  
Garrity, James  
Headd, James  
Ingram, Russell  
Kelley, Jane  
Major, Norman  
McKinney, Betsy

Allen, Mary  
Bettencourt, David  
Cali-Pitts, Jacqueline  
Charron, Gene  
DiFruscia, Anthony  
Flanders, John Sr  
Griffin, Mary  
Henson, John  
Itse, Daniel  
Kepner, Susan  
Marsh, Michael  
McMahon, Charles

Baldasaro, Alfred  
Borden, David  
Camm, Kevin  
Dalrymple, David  
Elliott, Robert  
Flockhart, Eileen  
Grote, Otto  
Hopfgarten, Paul  
Johnson, Robert  
Lister, Charlotte  
McEachern, Paul  
Moody, Marcia

Bedrick, Jason  
Brown, C. Pennington  
Carson, Sharon  
Day, Judith  
Emiro, Frank  
Garcia, Marilinda  
Guthrie, Joseph  
Howard, Doreen  
Kappler, Lawrence  
Lund, Howie  
McKenna, Daniel  
Moore, Benjamin

Moore, Bennett  
Pantelakos, Laura  
Quandt, Matthew  
Russell, Trinkka  
Stiles, Nancy  
Wells, Roger

Nord, Susi  
Powers, James  
Rausch, James  
Sanders, Elisabeth  
Waterhouse, Kevin  
Weyler, Kenneth

Nowe, Ronald  
Priestley, Anne  
Reagan, John  
Snow, Richard  
Weare, Everett  
Wickson, Rick

Packard, Sherman  
Quandt, Marshall  
Robertson, Carl  
Splaine, James  
Welch, David  
Winchell, George

### STRAFFORD

Berube, Roger  
Brown, Julie  
Cyr, James  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Wall, Janet

Brennan, William  
Browne, Brendon  
Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Warren, Nancy

Brown, Jennifer  
Burke, Rachel  
Goodwin, Earle  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srnc, Robert  
Watson, Robert

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Rodeschin, Beverly

Franklin, Peter  
Jillette, Arthur Jr  
Skinder, Carla

### NAYS 1

### BELKNAP

None

### CARROLL

None

### CHESHIRE

None

### COOS

None

### GRAFTON

None

### HILLSBOROUGH

None

### MERRIMACK

None

### ROCKINGHAM

Hutchinson, Karen

### STRAFFORD

None

### SULLIVAN

None

and the committee report was adopted.

Ordered to third reading.

Rep. Hutchinson voted Nay and intended to vote Yea.

### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hess moved that the House reconsider its action whereby it adopted the committee report of Ought to Pass on **SB 86**, naming a bridge in Plymouth.

Rep. Hess spoke in favor.

Motion adopted.

The question now being adoption of the committee report of Ought to Pass on **SB 86**, naming a bridge in Plymouth.

Rep. Hawkins requested a roll call; sufficiently seconded

## YEAS 335 NAYS 0

### YEAS 335

#### BELKNAP

Allen, Janet	Arsenault, Beth	Boyce, Laurie	Clark, Charles
Flanders, Donald	Heald, Bruce	Millham, Alida	Pilliod, James
Reever, Judith	Russell, David	Thomas, John	Tilton, Franklin
Wendelboe, Fran	Whalley, Michael		

#### CARROLL

Bridgham, Robert	Brown, Carolyn	Buco, Thomas	Butler, Edward
Chandler, Gene	Cunningham, Howard	Denley, William	Heard, Virginia
Knox, J. David	Martin, James	Morrow, Harry	Patten, Betsey
Stevens, Stanley			

#### CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Emerson, Susan	Espiefs, Peter	Hunt, John	Johnson, Jane
Lerandeau, Alfred	Loll, Thomas	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

#### COOS

Hatch, William	King, Frederick	Mears, Edgar	Merrick, Evalyn
Merrick, Scott	Remick, William	Theberge, Robert	Toll, John Jr

#### GRAFTON

Aguiar, James	Almy, Susan	Bleyler, Ruth	Bulis, Lyle
Cooney, Mary	Eaton, Stephanie	Estes, Carole	Friedrich, Carol
Gionet, Edmond	Harding, A Laurie	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip	Sorg, Gregory	Williams, Burton	

#### HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Beck, Catriona
Bergeron, Jean-Guy	Bergin, Peter	Brunelle, Michael	Chase, Claudia
Christiansen, Lars	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Daler, Jennifer	Daniels, Gary	Day, Russell
Dokmo, Cynthia	Drisko, Richard	Edwards, Andrew	Elliott, Nancy
Essex, David	Fontas, Jeffrey	Forest, Armand	Foster, Linda
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Hackel, Paul	Haefner, Robert
Hall, Betty	Hammond, Jill	Hansen, Ryan	Harvey, Suzanne
Hawkins, Ken	Hebert, Roger	Hinkle, Peyton	Hogan, Edith
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Jeu, Jean	Kaelin, Michael	Kelley, John	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lawrence, James
Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn
Long, Patrick	Mack, Ron	Manney, Pamela	Marshall, Seth
Martineau, Jesse	Matarazzo, Anthony Sr	McRae, Karen	Mesa, Lily
Messier, Irene	Mooney, Maureen	Movsesian, Lori	Nagle, Maureen
O'Brien, Michael Sr	O'Connell, Timothy	O'Neil, James	Ober, Lynne

Ober, Russell III  
Reeves, Sandra  
Rowe, Robert  
Simon, Anthony  
Spratt, Stephen  
Sysyn, Mary  
Velez, Hector

Peterson, Andy  
Renzullo, Andrew  
Schulze, Joan  
Smith, David  
Stepanek, Stephen  
Tahir, Saghir  
Villeneuve, Maurice

Pilotte, Maurice  
Reuschel, Michael  
Shaw, Barbara  
Soucy, Connie  
Sullivan, Daniel  
Ulery, Jordan  
Winters, Joel

Price, Pamela  
Rosenwald, Cindy  
Shaw, Kimberly  
Spaulding, Jayne  
Sullivan, Francis  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
Kelly, Sally  
MacKay, James  
Potter, Frances  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Kidder, David  
McMahon, Patricia  
Reardon, Tara  
Shurtleff, Stephen  
Webb, Leigh

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Hess, David  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reed, Dennis  
Tilton, Joy  
Wheeler, Deborah

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Humphries, Charlie  
Lockwood, Priscilla  
Porter, Margaret  
Richardson, Gary  
Tupper, Frank  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Belanger, Ronald  
Buxton, Donald  
Case, Frank  
Devine, James  
Fesh, Bob  
Garrity, James  
Headd, James  
Hutchinson, Karen  
Kappler, Lawrence  
Lister, Charlotte  
McEachern, Paul  
Moody, Marcia  
Nowe, Ronald  
Powers, James  
Rausch, James  
Sanders, Elisabeth  
Waterhouse, Kevin  
Weyler, Kenneth

Allen, Mary  
Bettencourt, David  
Cali-Pitts, Jacqueline  
Charron, Gene  
DiFruscia, Anthony  
Flanders, John Sr  
Griffin, Mary  
Henson, John  
Ingram, Russell  
Katsakiores, Phyllis  
Lund, Howie  
McKenna, Daniel  
Moore, Benjamin  
Packard, Sherman  
Priestley, Anne  
Reagan, John  
Snow, Richard  
Weare, Everett  
Wickson, Rick

Baldasaro, Alfred  
Borden, David  
Camm, Kevin  
Dalrymple, David  
Elliott, Robert  
Flockhart, Eileen  
Grote, Otto  
Hopfgarten, Paul  
Itse, Daniel  
Kelley, Jane  
Major, Norman  
McKinney, Betsy  
Moore, Bennett  
Pantelakos, Laura  
Quandt, Marshall  
Robertson, Carl  
Splaine, James  
Welch, David  
Winchell, George

Bedrick, Jason  
Brown, C. Pennington  
Carson, Sharon  
Day, Judith  
Emiro, Frank  
Garcia, Marilinda  
Guthrie, Joseph  
Howard, Doreen  
Johnson, Robert  
Kepner, Susan  
Marsh, Michael  
McMahon, Charles  
Nord, Susi  
Pearson, Mark  
Quandt, Matthew  
Russell, Trinka  
Stiles, Nancy  
Wells, Roger

### STRAFFORD

Berube, Roger  
Brown, Julie  
Cyr, James  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Wall, Janet

Brennan, William  
Browne, Brendon  
Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Warren, Nancy

Brown, Jennifer  
Burke, Rachel  
Goodwin, Earle  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srncic, Robert  
Watson, Robert

### SULLIVAN

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Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Rodeschin, Beverly

Franklin, Peter  
Jillette, Arthur Jr  
Skinder, Carla



**NAYS  
BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

None

**HILLSBOROUGH**

None

**MERRIMACK**

None

**ROCKINGHAM**

None

**STRAFFORD**

None

**SULLIVAN**

None

and the committee report was adopted.  
Ordered to third reading.

**MOTION TO PRINT REMARKS**

Rep. Daniel Eaton moved that the remarks made during the debate on *SB 86*, naming a bridge in Plymouth, be printed in the Permanent Journal.  
Without objection, the Speaker so ordered.

**REMARKS**

**Rep. Franklin Tilton:** Thank you, Madam Speaker. Honorable members of the General Court, it is fitting for you to learn something about the individual you are about to honor by naming this important bridge in Plymouth the Captain Douglas A. DiCenzo Memorial Bridge. Those of you who were here last June heard the very moving tribute to Doug DiCenzo expressed very eloquently by the two Representatives from Plymouth. Many of you are new, however, and did not hear Doug's story. Doug grew up in Plymouth and he was a classic all-American story. What he didn't have in natural ability, he more than made up for in determination and perseverance. For you older folks, this is Chip Hilton from the Chip Hilton sports series. At Plymouth Regional High School he became captain of the wrestling team. He won many personal accolades, honors and awards in wrestling. He became captain of his football team. His football team won the state championship. He graduated fifth in his class. He was the Class President. He was given the National Football Scholar Athlete Award for New Hampshire. In everything he did, his innate leadership was very evident. Doug then received an appointment to the United States Military Academy at West Point. Once again Doug quickly stood out among his peers. I speak with the experience of five years of serving on the faculty at West Point, and many years of assisting outstanding young men and women with a complex admission process for the Academy, the most recent fifteen years in New Hampshire. Doug was a perfect candidate. I have encountered and gotten to know hundreds of cadets and cadet candidates over the years. Some stand out as memorable. Doug was one of those. Aside from the traditional academics, West Point primarily focuses on leadership development. Doug was

right at home. In his first class year and his senior year, he was a Company Commander of his Cadet Company. I got to know Doug first through Lieutenant Colonel Wayne Nicoll, who is in the gallery and was the retired US Army Officer who assisted Doug with the admissions process. We often shared details about our great candidates, who were really the elite youngsters in New Hampshire. I also got to know Doug through my son who was a year behind him at West Point, who always spoke glowingly with admiration and respect for Doug. I also got to know Doug through his mom, Cathy Crane and his step dad, Mark, in the West Point Parents Club of New Hampshire. Cathy quickly became the President of the Parents Club of New Hampshire. It is easy to see where Doug's leadership skills started. Doug selected Infantry as his branch of the Army. He went to Fort Benning to attend the Infantry Officer's basic course followed by Airborne training and then he graduated from the Army's premier leadership school, the Army Ranger School. While at Benning, he met Nicole, his future bride. Their first assignment was Fort Wainwright, Alaska. That was followed by an assignment in Germany. Young Army officers, particularly Infantry Officers, aspire to become Company Commanders. Very simply that is the rule which most demands leadership and that is where top leadership is most evident in leading and caring for our great American soldiers. Doug became Company Commander of Charlie Company, 2<sup>nd</sup> Battalion, 6<sup>th</sup> Infantry, 1<sup>st</sup> Armored Division in Heidelberg, Germany. The unit was deployed first to Kuwait and subsequently to the Baghdad area of Iraq. On May 25, 2006, Doug's humvee was hit by an improvised explosive device – an IED. Doug and PFC Robert Blair were killed. Doug was a unique individual, a truly natural leader, an eternal optimist who made the world better for all those who knew him or were around him, whether it was personal friends, Army soldiers whom he led and even senior officers who were always impressed and inspired by his performance and upbeat attitude. Doug and Nicole's young son, Dakin, has a remarkable legacy to follow. There are many stories, pictures and memories. The Douglas A. DiCenzo Memorial Bridge will be a small expression of gratitude from the citizens of New Hampshire and it will serve as a permanent reminder to all of us of a true New Hampshire hero. Thank you, Madam Speaker.

**Rep. Cooney:** Thank you, Madam Speaker. Members of the House, some of what I have to say has already been said listing Doug's incredible career in the Army and some has not. The family of Douglas DiCenzo, previously introduced to the House, is in the gallery today watching the progress of SB 86 which, if passed by the House and signed by the Governor, will honor the sacrifice and memory of the husband of Nicole, the father of Dakin, who had a previous engagement at the day care center, and the son of Cathy and Mark. Doug DiCenzo pursued his life with enthusiasm, optimism, and a fierce competitive spirit. He grew up in Plymouth making his mark with an outstanding high school record in academics, athletics, and extra curricular activities. All of his peers and teachers described Doug as a leader. He was a natural, take-charge kind of person. He was President of his class, captain of the wrestling and football teams, received the "Outstanding Senior" Award, class of 1995; he was All-State Offensive Guard in football and as previously stated, ranked 5<sup>th</sup> in his class, and was a member of the Outing and Spanish clubs. He loved the out-of-doors, spending his free time hiking, skiing and working with kids at wrestling camps. Once Doug decided to pursue a military career, it seemed a natural choice to go for the best, to apply for an appointment to the United States Military Academy at West Point. Doug graduated from West Point in 1999, and then received Airborne and Ranger training at Fort Benning, GA. There he met and married Nicole Knox in the year 2000. He was assigned to Fort Wainwright near Fairbanks, Alaska. There he was promoted to Captain. After spending a year training back in Georgia, Doug was deployed to Heidelberg, Germany. In 2005 he took command of Charlie Company, First Armored Division and headed to Kuwait, and then to Iraq. Doug's mother Cathy, his brother Dan, and step-father Mark described him as at the happiest time in his life after he met and married Nicole. They spent six wonderful years together, hiking and traveling to see and learn about everything around them wherever they were. After their son Dakin was born in 2004, Doug's family was inundated with pictures of Nicole and Doug's beautiful little boy. Little Dak is a treasured legacy from Doug. He delights and amazes his family every day. Like most of those who have chosen military careers, Doug wanted to be where his training and skills would be of the most value. He wanted to make a difference in Iraq and I know those Iraqis he did come in contact with understood that, as he helped build facilities and worked with some of the Iraqi children. Nothing could be more fitting than to honor Doug by naming the new bridge spanning the Pemigewasset River between Plymouth and Holderness after him. It can be thought of as a metaphor, spanning generations and

ever flowing life; of what went before and what is to come; of renewal and remembrance. Captain Douglas A. DiCenzo lost his life May 25, 2006 when his humvee hit an IED in Baghdad. Our town will never feel the same having lost one of our brightest sons in this war, but he will be remembered for his sacrifice for our country every day, as we cross the bridge that bears his name, the Captain Douglas A. DiCenzo Memorial Bridge. Please vote with me for the passage of SB 86. Thank you, Madam Speaker.

### RESOLUTION

Late drafting and introduction having been approved by the House Rules Committee, Rep. Almy offered the following: **RESOLVED**, that House Resolution 12, affirming revenue estimates for fiscal years 2007, 2008 and 2009, shall be by this resolution read a first and second time by the therein listed title. Adopted.

### INTRODUCTION OF HR 12

**HR 12**, affirming revenue estimates for fiscal years 2007, 2008 and 2009. (Almy, Graf 11)

### HOUSE RESOLUTION 12

**A RESOLUTION** affirming revenue estimates for fiscal years 2007, 2008, and 2009.

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2007, 2008, and 2009 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2007, 2008, and 2009.

Committee estimates are based on current rates.

	(A)	(B)	(C)	(D)
	FY 2007	FY 2008	FY 2008	FY 2009
GENERAL FUND: (Dollars in Millions)	Official Estimate	Committee Estimate	Committee Estimate	Committee Estimate
Business Profits Tax	\$298.600	\$330.100	\$354.800	\$375.300
Business Enterprise Tax	225.300	261.900	281.400	297.600
Subtotal	523.900	592.000	636.200	672.900
Statewide Property Tax	363.000	363.000	363.000	363.000
Meals & Rooms Tax	217.600	208.000	218.400	228.200
Tobacco Tax	144.500	140.000	213.400	207.400
Real Estate Transfer Tax	181.000	140.000	144.200	151.400
Liquor Sales	129.000	127.100	135.000	143.100
Interest & Dividends Tax	73.300	103.000	113.500	123.600
Insurance Tax	95.300	96.000	95.500	96.300
Communications Tax	74.100	72.000	74.900	77.900
Other	61.100	65.500	70.300	74.700
Tobacco Settlement Funds	43.000	40.300	47.700	49.300
Securities Revenue	31.500	32.000	33.000	34.000
Court Fines & Fees	30.400	30.700	31.000	31.500
Utility Property Tax	24.100	21.200	22.900	23.600
Board & Care Revenue	14.000	18.300	16.000	16.400
Beer Tax	12.600	12.600	12.800	12.900
Utility Consumption Tax	6.600	6.200	6.400	6.600
Horse and Dog Racing	3.400	3.000	3.000	3.000
Estate & Legacy Tax	4.100	0.800	0.100	0.100
Medicaid Enhancement Tax	75.800	82.800	91.000	91.800
	(A)	(B)	(C)	(D)
	FY 2007	FY 2008	FY 2008	FY 2009
Medicaid Recoveries	17.000	15.000	14.100	14.600
<b>TOTAL GENERAL FUNDS</b>	<b>\$2,125.300</b>	<b>\$2,169.500</b>	<b>\$2,342.400</b>	<b>\$2,422.300</b>

## EDUCATION FUNDS

(Dollars in Millions)

Lottery Transfers to Education	75.800	79.000	85.800	87.800
Bingo Lucky 7 Transfers to Education	2.200	1.600	1.500	1.500
<b>TOTAL EDUCATION FUNDS</b>	<b>\$78.000</b>	<b>\$80.600</b>	<b>\$87.300</b>	<b>\$89.300</b>
<b>TOTAL GEN'L &amp; EDUCATION FDS</b>	<b>\$2,203.300</b>	<b>\$2,250.100</b>	<b>\$2,429.700</b>	<b>\$2,511.600</b>

	(A) FY 2007	(B) FY 2007	(C) FY 2008	(D) FY 2009
<b>HIGHWAY FUNDS:</b> (Dollars in Millions)	Official Estimate	Committee Estimate	Committee Estimate	Committee Estimate
Road Toll	\$134.200	\$127.700	\$137.900	\$139.900
Motor Vehicle Fees	93.900	94.100	103.800	105.400
Miscellaneous	10.400	11.900	13.600	13.700
<b>TOTAL HIGHWAY FUNDS</b>	<b>\$238.500</b>	<b>\$233.700</b>	<b>\$255.300</b>	<b>\$259.000</b>

## FISH &amp; GAME FUNDS:

(Dollars in Millions)

Fish & Game Licenses	\$8.300	\$8.300	\$8.300	\$8.300
Miscellaneous	1.200	1.200	1.500	1.500
<b>TOTAL FISH &amp; GAME FUNDS</b>	<b>\$9.500</b>	<b>\$9.500</b>	<b>\$9.800</b>	<b>\$9.800</b>

Rep. Almy moved Ought to Pass and spoke in favor.

Rep. Major spoke against and yielded to questions.

**LAID ON THE TABLE**Rep. Almy moved that **HR 12**, affirming revenue estimates for fiscal years 2007, 2008 and 2009, be laid on the table.

Rep. Whalley requested a roll call; sufficiently seconded.

**YEAS 205 NAYS 133****YEAS 205****BELKNAP**

Arsenault, Beth                      Reeve, Judith

**CARROLL**Bridgham, Robert                      Bucu, Thomas                      Butler, Edward                      Cunningham, Howard  
Heard, Virginia**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Lerandean, Alfred	Loll, Thomas	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

**COOS**Hatch, William                      Mears, Edgar                      Merrick, Evalyn                      Merrick, Scott  
Theberge, Robert**GRAFTON**

Aguir, James	Almy, Susan	Bleyler, Ruth	Cooney, Mary
Estes, Carole	Friedrich, Carol	Harding, A Laurie	Lovett, Sid
Matheson, Robert	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip			

**HILLSBOROUGH**

Baroody, Benjamin  
Chase, Claudia  
Daler, Jennifer  
Forest, Armand  
Goley, Jeffrey  
Hammond, Jill  
Jean, Claudette  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
Messier, Irene  
O'Neil, James  
Schulze, Joan  
Simon, Anthony  
Sullivan, Francis  
Winters, Joel

Beaulieu, Jane  
Clemons, Jane  
Edwards, Andrew  
Foster, Linda  
Gorman, Mary  
Harvey, Suzanne  
Judy, Jean  
Lasky, Bette  
Lisle, Carolyn  
Martineau, Jesse  
Movsesian, Lori  
Pilotte, Maurice  
Shattuck, Gilman  
Smith, David  
Sysyn, Mary

Beck, Catriona  
Cote, David  
Essex, David  
Garrity, Patrick  
Hackel, Paul  
Hebert, Roger  
Kaelin, Michael  
Leishman, Peter  
Long, Patrick  
Matarazzo, Anthony Sr  
Nagle, Maureen  
Reuschel, Michael  
Shaw, Barbara  
Spratt, Stephen  
Vaillancourt, Steve

Brunelle, Michael  
Cote, Peter  
Fontas, Jeffrey  
Ginsburg, Ruth  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily  
O'Brien, Michael Sr  
Rosenwald, Cindy  
Shaw, Kimberly  
Sullivan, Daniel  
Velez, Hector

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Kelly, Sally  
Porter, Margaret  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtliff, Stephen  
Webb, Leigh

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Wheeler, Deborah

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hamm, Christine  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Williams, Robert

**ROCKINGHAM**

Abbott, Dennis  
Day, Judith  
Henson, John  
Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Snow, Richard

Borden, David  
DiFruscia, Anthony  
Howard, Doreen  
Lister, Charlotte  
Moody, Marcia  
Powers, James  
Splaine, James

Brown, C. Pennington  
Flockhart, Eileen  
Johnson, Robert  
Marsh, Michael  
Moore, Bennett  
Robertson, Carl

Cali-Pitts, Jacqueline  
Grote, Otto  
Kelley, Jane  
McEachern, Paul  
Nord, Susi  
Russell, Trink

**STRAFFORD**

Berube, Roger  
Brown, Larry  
DeChane, Marlene  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Wall, Janet

Billian, Deborah  
Browne, Brendon  
Fargo, Thomas  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Brennan, William  
Burke, Rachel  
Goodwin, Earle  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srnc, Robert

Brown, Jennifer  
Cyr, James  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

**SULLIVAN**

Cloutier, John  
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Nielsen, Ellen

Converse, Larry  
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Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

**NAYS 133****BELKNAP**

Allen, Janet  
Heald, Bruce  
Thomas, John

Boyce, Laurie  
Millham, Alida  
Tilton, Franklin

Clark, Charles  
Pilliod, James  
Wendelboe, Fran

Flanders, Donald  
Russell, David  
Whalley, Michael

**CARROLL**

Brown, Carolyn	Chandler, Gene	Denley, William	Knox, J. David
Martin, James	Merrow, Harry	Patten, Betsey	Stevens, Stanley

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane
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**COOS**

King, Frederick	Remick, William	Tholl, John Jr
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**GRAFTON**

Bulis, Lyle	Eaton, Stephanie	Gionet, Edmond	Sorg, Gregory
Williams, Burton			

**HILLSBOROUGH**

Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Christiansen, Lars
Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary	Day, Russell
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Francoeur, Bea
Gargas, Carolyn	Graham, John	Haefner, Robert	Hansen, Ryan
Hawkins, Ken	Hinkle, Peyton	Hogan, Edith	Holden, Randolph
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	McRae, Karen	Mooney, Maureen
O'Connell, Timothy	Ober, Lynne	Ober, Russell III	Peterson, Andy
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Soucy, Connie	Spaulding, Jayne	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Villeneuve, Maurice		

**MERRIMACK**

Anderson, Eric	Hager, Elizabeth	Hess, David	Humphries, Charlie
Kidder, David	Lockwood, Priscilla	MacKay, James	Reed, Dennis

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Buxton, Donald	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
Elliott, Robert	Emiro, Frank	Fesh, Bob	Flanders, John Sr
Garcia, Marilinda	Garrity, James	Griffin, Mary	Guthrie, Joseph
Headd, James	Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell
Itse, Daniel	Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	McKinney, Betsy	McMahon, Charles
Moore, Benjamin	Nowe, Ronald	Packard, Sherman	Pearson, Mark
Priestley, Anne	Quandt, Marshall	Quandt, Matthew	Rausch, James
Reagan, John	Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin
Weare, Everett	Welch, David	Wells, Roger	Weyler, Kenneth
Wickson, Rick	Winchell, George		

**STRAFFORD**

Brown, Julie
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**SULLIVAN**

Rodeschin, Beverly  
and the motion was adopted.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 53**, relative to school health personnel. (Amendment printed SJ 4-5-07)

Rep. Rous moved that the House concur and spoke in favor.

Adopted.

**HB 609-FN**, relative to disclosure of campaign contributions in local elections. (Amendment printed SJ 4-18-07)

Rep. Clemons moved that the House concur and spoke in favor.

Adopted.

**HB 657**, authorizing the executive director of fish and game to issue moose hunting adventure permits. (Amendment printed SJ 4-18-07)

Rep. Abbott moved that the House concur and spoke in favor.

Adopted.

**HB 42**, relative to resource protection sections of local master plans. (Amendment printed SJ 4-18-07)

Rep. Theberge moved that the House concur and spoke in favor.

Adopted.

**HB 198-FN**, relative to collection of taxes on land with a discretionary easement and relative to the calculation of penalties applied to tax-deeded properties. (Amendment printed SJ 4-18-07)

Rep. Theberge moved that the House concur and spoke in favor.

Adopted.

**HB 122**, naming a bridge in the town of Henniker after Sergeant Russell M. Durgin. (Amendment printed SJ 3-29-07)

Rep. Bouchard moved that the House concur and spoke in favor.

Adopted.

**HB 153**, relative to standards for bridge and highway construction. (Amendment printed SJ 4-18-07)

Rep. Bouchard moved that the House concur and spoke in favor.

Adopted.

**HB 468**, relative to establishing the freedom's way heritage area and commission. (Amendment printed SJ 4-18-07)

Rep. Spang moved that the House concur and spoke in favor.

Adopted.

### CONCURRENCE

**HB 39**, repealing the penalty provision in discretionary preservation easements.

**HB 89**, establishing a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire.

**HB 98**, relative to the situation of landfills on land owned by municipalities.

**HB 169**, relative to penalties for insurers or adjusters knowingly underestimating the value of an insurance claim.

**HB 228**, relative to the definition of "medical necessity" under the managed care law.

**HB 240**, relative to the amount of child support arrearage triggering the denial of a passport.

**HB 257**, allowing towns to appoint or elect a town treasurer.

**HB 361**, relative to certain laws governing public utilities and the proposed acquisition of certain assets and franchises of Verizon by FairPoint.

**HB 409**, relative to liquor licenses for sports recreation facilities.

**HB 437-FN-L**, permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

**HB 514-FN-L**, relative to the applicable minimum wage for hourly employees.

**HB 532**, relative to insurance fraud.

**HB 873-FN-L**, establishing minimum renewable standards for energy portfolios.

**HB 928**, relative to the Christa McAuliffe planetarium commission.

### NONCONCURRENCE

**HB 168**, expanding the purposes of the wildflower establishment program.

**HB 334**, relative to the hours for on-premises sale of alcoholic beverages.

### RE-REFERRED TO COMMITTEE

**HB 63**, relative to conflicts of interest involving county officers and employees.

**LAID ON THE TABLE**

**HB 88**, establishing a committee to study single payer health care.

**HB 146**, relative to nicknames on ballots.

**HB 638**, relative to lease agreements entered into by the department of transportation.

**RESOLUTION**

Rep. Daniel Eaton offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 16, 2007 at 10:00 a.m.  
Adopted.

**LATE SESSION****Third reading and final passage**

**SB 37**, relative to accidental death benefit payments in the city of Manchester employees' contributory retirement system.

**SB 43**, relative to the training for barbers and establishing the master barber license under the board of barbering, cosmetology, and esthetics.

**SB 164**, relative to renewals and reinstatements of licenses issued by the board of dental examiners and procedures of the board.

**SB 200-FN**, relative to the state directory of new hires.

**SB 39**, allowing a newly-retired supreme court justice to continue to participate as a temporary justice in a case held before retirement but decided after.

**SB 51**, transferring authority over court forms from the supreme court to the judicial branch administrative council.

**SB 252**, relative to publication of supreme court reports.

**SB 64**, changing the dates of the reports on court facilities made to the supreme court by the court accreditation commission and made to the commissioner of administrative services by the supreme court.

**SB 83**, naming the Epsom traffic circle in honor of Officer Jeremy Charron and Officer Michael Briggs and naming a portion of Route 4 in honor of Officer Michael Briggs.

**SB 86**, naming a bridge in Plymouth.

**RECESS MOTION**

Rep. Daniel Eaton moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports and receiving Senate messages.  
Adopted.

The House recessed at 11:45 a.m.

**RECESS**

**(Rep. Simon in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 216**, establishing a commission to study the causes, effects, and remediation of siltation in the Great Bay Estuary.

**Amendment (1333-EBA)**

Amend subparagraph I(k) of section 2 of the bill by replacing it with the following:

(k) The executive director of the fish and game department, or designee.

Amend section 3 of the bill by replacing lines 2-5 with the following:

I. Seek the assistance of the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the United States Army Corps of Engineers, and the United States Geological Survey, as appropriate.

Adopted.



**HB 220**, establishing a reporting requirement for departments that receive highway funds.

**Amendment (1319-EBA)**

Amend section 1 of the bill by replacing line 10 with the following:

(b) Actual expenditures incurred by programs supported in whole or in part by the highway  
Adopted.

**HB 361**, relative to certain laws governing public utilities and the proposed acquisition of certain assets and franchises of Verizon by FairPoint.

**Amendment (1389-EBA)**

Amend the bill by replacing line 5 of section 9 with the following:

section 111 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. section 46) as amended by the

Amend the bill by replacing line 1 of section 10 with the following:

10 Expense of Investigations. Notwithstanding any provision of law or rule or any  
Adopted.

**HB 846**, transferring certain land in the town of Stoddard from the Trust for Public Land to the fish and game department.

**Amendment (1335-EBA)**

Amend RSA 482:49, III(d) as inserted by section 1 of the bill by replacing line 1 with the following:

(d) The outlet dam, water rights, and 2.5 acre car-top boat launch access area at Robb

Amend section 2 of the bill by replacing line 1 with the following:

2 Contingency of Acceptance. Acceptance of the dam, water rights, and boat launch access area,  
Adopted.

**HB 873-FN-L**, establishing minimum renewable standards for energy portfolios.

**Amendment (1371-EBA)**

Amend RSA 362-F:1 as inserted by section 2 of the bill by replacing line 9 with the following:  
quality and public health, and mitigating against the risks of climate change. It is therefore in the

Amend RSA 362-F:3 as inserted by section 2 of the bill by replacing line 4 with the following:  
the provider to its end-use customers that year, except to the extent that the provider makes

Amend RSA 362-F:4, IV as inserted by section 2 of the bill by replacing line 3 with the following:

nameplate capacity of 5 MWs or less, has installed upstream and downstream diadromous fish

Amend RSA 362-F:4, VI as inserted by section 2 of the bill by replacing line 5 with the following:  
demand from similar programs in other states.

Amend RSA 362-F:6, IV(a)(1) as inserted by section 2 of the bill by replacing line 2 with the  
following:

electrical energy to the New England control area that is in place for the time period during which

Amend RSA 362-F:7, II as inserted by section 2 of the bill by replacing line 2 with the following:

owner of the customer-sited source or its designee, regardless of whether the source has received

Amend RSA 362-F:9, IV as inserted by section 2 of the bill by replacing line 3 with the following:  
agreements or certificate purchase agreements under this section.

Amend section 7 of the bill by replacing paragraph I with the following:

I. Sections 1-5 of this act shall take effect 60 days after its passage.

Adopted.

**RECESS**

**COMMITTEE ASSIGNMENTS**

The Speaker made the following committee assignments:

Rep. William P. Brennan off State-Federal Relations and Veterans Affairs; on Public Works and  
Highways.

Rep. George F. Brown off Executive Departments and Administration; on State-Federal Relations  
and Veterans Affairs.

**RECESS**

**(Rep. Barbara Richardson in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 39, 89, 98, 169, 216, 220, 228, 240, 257, 361, 409, 437, 532, 846, 873 and 928.

Rep. Hager, Sen. D'Allesandro for the Committee

RECESS

**(Rep. Foster in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 42, 53, 198, 609 and 657 and Senate Bills numbered 37, 39, 43, 51, 83, 86, 164, 200 and 252.

Rep. Hager, Sen. D'Allesandro for the Committee

RECESS

**(Rep. Dunn in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 153**, relative to standards for bridge and highway construction.

**Amendment (1489-EBA)**

Amend RSA 21-L:12-b, III as inserted by section 1 of the bill by replacing line 2 with the following: factor design (LRFD) specifications from the most current version of the applicable AASHTO manual listed  
Adopted.

**HB 468**, relative to establishing the freedom's way heritage area and commission.

**Amendment (1551-EBA)**

Amend RSA 217-B:1 as inserted by section 1 of the bill by replacing line 8 with the following: in the manner they determine appropriate. It is the purpose of this chapter to provide a management  
Adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 59, 122, 301, 309 and 458.

Rep. Hager, Sen. D'Allesandro for the Committee

RECESS

**(Speaker Norelli in the Chair)**

Rep. Wallner moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 16**

Wednesday, May 16, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

O God, if we but pause long enough to listen and to see, the opportunities to serve You and to bless those we serve here in this chamber are many. Nestled in between unemployment compensation for National Guard members and permits for fireworks displays and child impact seminars for divorcing couples and the provision for photo ID's for persons released from correctional facilities are the whispers of Your Holiness and sacred love. Whispers calling us, prodding us, inviting us as leaders to take significant and important steps in improving the lives of people from all walks of life. Remind us that what we do here in the House is not simply work but may in fact, by Your grace, be sacred work. Help us in what we do here to hold one another in holy regard, and always to lean in the direction of generosity, particularly on behalf of those who have far less than we.

We lift up to You our own private prayers for any family members or friends or colleagues who find themselves in places of illness or emotional pain. Bless them we pray, in Your Holy name, Amen.

Rep. Mary Griffin, member from Windham, led the Pledge of Allegiance.

The National Anthem was sung by the Winnisquam Select Regional High and Middle School Choir, who will represent New Hampshire in Washington D.C. as part of the National Anthem Project on Flag Day 2007. Choir members included: Brianna Ainsworth, Mary Beck, RaeAnne Berwick, Taylor Cavanaugh, Catarina Coyman, Elizabeth Crandall, Victoria Eaton, Samantha Marsh, Sarah Racicot, Katelyn Shaw, Abbi Sleeper, Leeza Szepanski, Nicole Weisman, Allisha Yandian, Thomas Arena, Eoin Audet, Lance Dawagia, Robert Laraway, Sean Macdonald, Adam Sattler, Ian Sleeper, Cory Speikers, Alyson Atherton, Amber Bryson, Daley Buckwell, Brianna Campbell, Emily Bolduc, Brittani Cornell, Shawna Kilcoyne, Christina Lewis, Megan McKenna Audriana Mekula, Rachel Moon, Jessica Roy, Rebecca Washburn and Hannah Willcutt. They were accompanied by Choir Directors Kirk Young and Holly Anderson.

**LEAVES OF ABSENCE**

Reps. Claudia Chase, Domingo, Forsing, Hofemann, Stephen Johnson and Stohl, the day, illness.

Reps. Bleyler, Bulis, Dumaine, Gargas, Hubbard, Sally Kelly, Kopka, Major, McLeod, Miller, Nowe, O'Brien, Pantelakos, Reeves, Rochette, Serlin and Tupper, the day, important business.

Reps. Bouchard, Ingersoll and Mears, the day, illness in the family.

Reps. John Knowles and Mary Ann Knowles, the day, death in the family.

**INTRODUCTION OF GUESTS**

Bill and Florence Dawson and Timothy Sattler, guests of Rep. Joy Tilton. Nour Ali, Devon Mercer and S. Daniel Mattingly, guests of Rep. Levasseur. Members of Leadership Seacoast, guests of the House. Mary Meier, guest of Rep. Bridgham. Birgit Garlasco, guest of Rep. Rodeschin.

**INTRODUCTION OF SPECIAL GUESTS**

Caitlin Arpin, Griffin Gilman, Candra Hicks and Sarah Atkinson, students from White Mountain Regional High School who participated in the Mountain View Academy Hospitality Management Program and placed 1<sup>st</sup> in the 2007 National Hospitality Competition. They were accompanied by their teacher, Mrs. Lisa Perras and the Mountain View Grand Hotel Manager, Chris Diego.

**PRESENTATION OF SCHOLARSHIPS**

Rep. Cali-Pitts recognized and presented OWLs Scholarships to Kristina Bailey of Laconia and Julie Martinez of Gorham.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 292**, relative to consideration of the preference of a mature minor in the modification of parental rights and responsibilities. (Amendment printed SJ 5-3-07)

Rep. Gile moved that the House concur and spoke in favor.

Adopted.

**HB 636-FN**, relative to physician credentialing under the managed care law. (Amendment printed SJ 5-10-07)

Rep. Reardon moved that the House concur and spoke in favor.

Adopted.

**HB 227**, relative to identity theft. (Amendment printed SJ 5-10-07)

Rep. William Knowles moved that the House concur and spoke in favor.

Adopted.

**HB 126**, relative to the definition of "school." (Amendment printed SJ 4-5-07)

Rep. Rous moved that the House concur and spoke in favor.

Adopted.

**HB 32**, establishing a commission to study voter registration cards. (Amendment printed SJ 5-10-07)

Rep. Clemons moved that the House concur and spoke in favor.

Adopted.

**HB 249**, relative to preliminary objections to rules made by the joint legislative committee on administrative rules, and relative to extending the study committee on the rules process. (Amendment printed SJ 4-26-07)

Rep. Irwin moved that the House concur and spoke in favor.

Adopted.

**HB 362**, relative to the advisory committee on quality of vital records information. (Amendment printed SJ 4-18-07)

Rep. Irwin moved that the House concur and spoke in favor.

Adopted.

**HB 542**, establishing a study committee to study the approval process of nursing education programs. (Amendment printed SJ 5-10-07)

Rep. Rosenwald moved that the House concur and spoke in favor.

Adopted.

**HB 727-FN**, establishing a commission to study health insurance coverage in the construction industry. (Amendment printed SJ 5-10-07)

Rep. Rosenwald moved that the House concur and spoke in favor.

Adopted.

**HB 71**, prohibiting the sale, rent, lease, transfer, or distribution of records, information, or lists of licensed dog owners in New Hampshire to another person by the town clerk's office. (Amendment printed SJ 5-10-07)

Rep. David Cote moved that the House concur and spoke in favor.

Adopted.

**HB 103**, establishing a commission to study the state highway trust fund. (Amendment printed SJ 3-29-07)

Rep. Campbell moved that the House concur and spoke in favor.

Adopted.

**HB 428**, prohibiting the combustion of the wood component of construction and demolition debris and defining construction and demolition debris. (Amendment printed SJ 5-10-07)

Rep. Kaen moved that the House concur and spoke in favor.

Adopted.

**HB 217**, establishing a committee to study the New Hampshire park and ride program. (Amendments printed SJ 4-18-07)

Rep. Ryan moved that the House concur and spoke in favor.

Adopted.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Wallner moved that the Consent Calendar as printed in the day's House Record be adopted. **SB 236**, extending the authority for police mutual aid, removed by Rep. Patten.

Consent Calendar adopted.

Rep. King declared a conflict of interest on **SB 28** and **SB 108** and did not participate in the vote on the Consent Calendar.

Rep. Reardon declared a conflict of interest on **SB 55** and **SB 99** and did not participate in the vote on the Consent Calendar.

Rep. Coughlin declared a conflict of interest on **SB 60** and **SB 222** and did not participate in the vote on the Consent Calendar.

**SB 29**, updating laws relative to child impact seminars to reflect the implementation of the judicial branch family division. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elizabeth D. Blanchard for Children and Family Law: This bill updates the laws relative to Child Impact Seminars which are mandated for divorcing couples with children. The bill reflects the implementation of the judicial branch family division. An amendment was added to the bill to make the language more specific and current. Vote 16-0.

#### Amendment (1517h)

Amend RSA 458-D:4 as inserted by section 2 of the bill by replacing it with the following:

458-D:4 Seminar Schedule. The ~~[court]~~ **judicial branch family division** shall encourage the presenters to schedule courses so that the seminar is available twice monthly in each county unless the county's population warrants otherwise. One parent need not attend the same seminar as the other parent. In the case of domestic violence, parents shall attend separate sessions. The seminar shall be completed within 45 days of service of the original ~~[complaint]~~ **petition** upon the original ~~[defendant]~~ **respondent**.

Amend RSA 458-D:9, I(c) as inserted by section 4 of the bill by replacing it with the following:

(c) The form and content of ~~[presentation]~~ security **at the seminar**.

**SB 80**, relative to qualified minor's trusts. **OUGHT TO PASS.**

Rep. Daniel C. Itse for Children and Family Law: This bill enables the custodian of a minor's property to be transferred into a "qualified minor's trust" without a court order. This terminates custodianship of the property. The bill is modeled after Florida statute, and provides a solution to unforeseen situations or developments. Vote 16-0.

**SB 152**, relative to permanency planning for delinquent children, abused and neglected children, and children in need of services. **OUGHT TO PASS.**

Rep. Barbara H. Richardson for Children and Family Law: This bill emphasizes the need for permanency planning for these children who have been removed from their homes. Reunification with their families is the first priority, and all reasonable efforts must be made to achieve this goal. In the event that it is not possible for reunification despite all reasonable efforts, permanency for the child must be achieved within 14 months of the minor's entry into out-of-home placement or within 12 months of the court's adjudicatory finding, whichever is earlier. Concurrent plans, other than reunification, must be adopted by the court. Other options for permanency including termination of parental rights or parental surrender when an adoption is contemplated, guardianship with a fit and willing relative or another appropriate party, or another planned permanent living arrangement are considered. Vote 16-0.

**SB 185**, relative to photo identification for persons released from correctional facilities and establishing a commission to study the services needed to help chronically homeless children in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary E. Walz for Children and Family Law: This proposed two issues: 1) to establish photo identification for persons released from correctional facilities and 2) to establish a committee to identify the services needed to help chronically homeless children in New Hampshire. The committee agreed that both were important but non-germane. The committee voted OTP to establish the photo identification, and amended the bill with the sponsor's permission to create a subcommittee to study needs of chronically homeless children or youth in New Hampshire. Vote 13-0.

**Amendment (1552h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to photo identification for persons released from correctional facilities.

Amend the bill by deleting sections 4-8 and renumbering the original section 9 to read as 4.

**AMENDED ANALYSIS**

The bill requires the department of safety and the county departments of corrections to provide a nondriver picture identification card to inmates who are being released from a county correctional facilities and do not have a valid driver's license or nondriver picture identification card. Referred to the Committee on Criminal Justice and Public Safety.

**SB 100**, relative to the authority of a real estate escrow agent to hold funds in the event of a dispute. **OUGHT TO PASS.**

Rep. Matthew S. Houde for Commerce: The bill clarifies that real estate brokers (who hold funds pursuant to a written agreement for the sale of real property, which expressly authorizes the broker to serve as escrow agent and to continue to hold the funds in the event of a dispute), shall not be subject to suit unless said agent breaches the terms of the agreement. The agent shall pay said funds only upon mutual written instructions of the buyer and seller, if any, and any order of the court. Vote 19-0.

**SB 104**, relative to the directory of charitable trusts. **OUGHT TO PASS.**

Rep. John B. Hunt for Commerce: This bill requires the director of charitable trusts to prepare and make available on the state website a directory of charitable trusts. The committee felt that such a list will be helpful for New Hampshire citizens and New Hampshire non-profits. Vote 17-0.

**SB 105**, repealing the bond requirement for fund raising counsel of a charitable trust. **OUGHT TO PASS.**

Rep. John B. Hunt for Commerce: As requested by the charitable trust unit of the Attorney General's Office, this bill removes the bond requirement for fund raising counsel of a non-profit. The bond requirement has never been used so it appears to be unnecessary. Vote 18-0.

**SB 124**, changing the membership of the economic development matching grants screening committee. **OUGHT TO PASS.**

Rep. Stephen T. DeStefano for Commerce: This bill changes the membership of the economic development matching grants screening committee. The committee membership stays at six members, but one member is added from the Business and Industry Association and the NH Association of Counties hoping to add business experience to the committee. Vote 19-0.

**SB 137-FN**, removing the prospective repeal of community reinvestment and opportunity zones (CROP zones). **OUGHT TO PASS.**

Rep. Stephen T. DeStefano for Commerce: This bill repeals a session law prohibiting the commissioner of resources and economic development from entering into a Community Reinvestment and Opportunity Zone (CROP) credit agreement with any taxpayer after June 30, 2007. Vote 19-0. Referred to the Committee on Ways and Means.

**SB 161-FN**, relative to the registration fees for mortgage servicing companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen P. Spratt for Commerce: This bill was requested by the New Hampshire Banking Department. The bill brings registration fees for mortgage service companies in line with the existing fee structure for other financial institutions. In addition, this bill clarifies the definition of debt adjustment contracts and increases the term of the contract adjusting the debtor's obligations from within 24 months to 60 months. Vote 18-0.

**Amendment (1550h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the registration fees for mortgage servicing companies and relative to debt adjustment services.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 5, respectively:

2 Written Notice; Delegation of Duties and Responsibilities. Amend RSA 383:7-a, V to read as follows:

V. The commissioner shall provide any board or commission [~~10 days~~<sup>2</sup>] written notice of his *or her* intent to delegate his *or her* duties and responsibilities to serve on such board or commission.

3 Debt Adjustment; Definition. RSA 399-D:2, V is repealed and reenacted to read as follows:

IV. "Debt adjustment" means:

(a) Providing debt management advice or counseling to consumers for direct or indirect compensation;

(b) Creating debt management plans for consumers for direct or indirect compensation;

(c) Negotiating with debtors on behalf of consumers for direct or indirect compensation; or

(d) Receiving, for a fee or compensation and as agent of a debtor, money or evidences thereof for the purpose of distributing such money or evidences thereof among creditors in full or partial payment of obligations of the debtor.

4 Discharge of Debt Adjustment Contracts. Amend RSA 399-D:20 to read as follows:

399-D:20 Contract With Debtor. Each licensee shall make a written contract with a debtor, and immediately furnish the debtor with a true copy thereof. Such contract shall set forth the complete list of the debtor's obligations to be adjusted, a complete list of the creditors holding such obligations, the total charges agreed upon for the services of the licensee and the beginning and expiration date of the contract. No licensee shall enter into a contract in which the debtor's obligations will not be discharged within [~~24~~] **60** months, exclusive of contractual debts which exceed the [~~24-month~~] **60-month** period.

#### AMENDED ANALYSIS

This bill:

I. Increases registration fees for mortgage servicing companies.

II. Eliminates the 10 day requirement for written notice to a board or commission by the bank commissioner of his or her intent to delegate a duty to serve on such board or commission.

III. Redefines debt adjustment.

IV. Extends the time in which a debtor's obligations must be discharged.

**SB 222-FN**, relative to health insurance for national guard members. **OUGHT TO PASS.**

Rep. Donald H. Flanders for Commerce: This bill requires that National Guard members ordered to or retained on state active duty for longer than 30 days who do not have other health insurance coverage shall elect Tricare coverage. The state shall pay the Tricare premium up to 100 percent of the service member's share of the premium for the period of state active duty to include the whole month in which the state active duty ends. Vote 18-0.

Referred to the Committee on Finance.

**SB 242-FN**, establishing the intellectual property business loan development program. **OUGHT TO PASS.**

Rep. James R. Martin for Commerce: This bill establishes the intellectual property business loan development program to be administered by the Business Finance Authority. The program will have the authority to guarantee a loan secured by intellectual property, up to a maximum of \$250,000. The loan shall not exceed 75 percent of the appraised value of the intellectual property and loan guarantees are limited to 10 years. The Business Finance Authority strongly supports this bill because it believes the bill will help attract new high tech businesses to New Hampshire and help support companies with intellectual property, such as software companies. The committee believes that this new program will have a long term positive impact on the state's business climate and tax revenues. Vote 18-0.

Referred to the Committee on Finance.

**SB 65-FN**, requiring that the state provide 21 days' written notice to the defendant prior to jury selection for his or her trial of the state's request for an extended term of imprisonment. **OUGHT TO PASS.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill was brought at the request of the Supreme Court. It requires that the state provide 21 days written notice to a defendant, in a criminal trial, prior to jury selection for his or her trial where the state will request an extended term of imprisonment. Current law does not provide for a specific term of notice and

sometimes notice was not given until the date of trial. The 21 day notice was arrived at as a result of agreement between the Attorney General's Office and the New Hampshire criminal defense lawyers. This is a reasonable course of action to assure that a defendant has sufficient time to prepare his or her defense. Vote 16-0.

**SB 66**, relative to involuntary civil commitment of sexually violent predators and relative to payment of the sex offender registration fee by criminal offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Delmar D. Burrige for Criminal Justice and Public Safety: This bill divides certain responsibilities for involuntary civil commitment of sexually violent predators between the Department of Corrections and Health and Human Services and provides that a sex offender registry fee shall be collected twice per year by the Department of Safety. The committee made a technical correction by deletion of Section IV of Page 3, line 16, which did not exist and referenced the entire Section of RSA 135-E:15. Vote 16-0.

#### **Amendment (1453h)**

Amend RSA 135-E:3, VI as inserted by section 10 of the bill by replacing it with the following:

VI. Records, reports, and proceedings of the multidisciplinary team shall be confidential and shall be exempt from the provisions of RSA 91-A, except as provided in RSA 135-E:15.

**SB 136**, relative to the attorney general's authority to appoint, organize, and assign investigatory personnel at the department of justice. **OUGHT TO PASS.**

Rep. Ellen Nielsen for Criminal Justice and Public Safety: This bill corrects an anomaly in the process by which the Attorney General appoints, organizes and assigns investigators. Until now, investigators have been sworn in by county sheriffs. This bill gives the Attorney General the power to vest, with statewide law authority, any municipal or state law enforcement officer assigned by the employing authority for the purpose of conducting or assisting with criminal investigations being conducted by the Attorney General's Office for a period of up to five years. The investigators employed by the Department of Justice will be certified as full-time police officers, but while they are employed by the department as special investigators, their time worked will not be considered in calculation of Group II retirement benefits. Vote 15-0.

**SB 194**, establishing a commission to study the trafficking of persons across borders for sexual and labor exploitation. **OUGHT TO PASS.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill establishes a commission to study the trafficking of persons across borders for sexual and labor exploitation. The committee heard very compelling testimony that this matter needs to be looked at. As an example, an event happened in the seacoast where a young lady had been held hostage since she was 12 years old. Because she was from a foreign country, she had no one to turn to, to get help, yet she was brought to the country against her will. There is also evidence that this may be much more widespread throughout the state. Vote 16-0.

**SB 72-L**, relative to standards for public school approval. **INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M. Carson for Education: The committee believes it is important to keep the term "minimum" in the current statute. New Hampshire's minimum standards for all of our schools are very high and designed to encourage districts to go beyond what is required. To take out the word "minimum" is counterproductive towards the standards' intent. Vote 16-0.

**SB 78**, relative to the placement of twins or other multiples in the same classroom. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sharon M. Carson for Education: This bill prevents school boards from adopting a policy that either separates or places twins in the classroom without input from their parents. The committee heard testimony concerning situations in which the parents' concerns were not addressed and we believe it to be very important that parents have the opportunity to participate in the decision making process. Vote 16-0.

#### **Amendment (1287h)**

Amend RSA 193:3-a, I as inserted by section 1 of the bill by replacing it with the following:

I. No school board shall adopt a policy of automatically separating or placing together twins or other multiples. In this section, "multiples" means triplets or more.



**SB 117-FN**, relative to fireworks display permits and the position of permissible fireworks inspector. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill filed at the request of the State Fire Marshall has three components: (1) requires that a fireworks display permit be submitted to the Department of Safety at least 72 hours prior to the display. (2) makes the position of fireworks inspector a full-time, rather than a seasonal, position funded by the Fire Standards and Training and Emergency Medical Services Fund. (3) adds to the current duties of the fireworks inspector dealing with permissible fireworks the following: (a) inspect sites and facilities for the display or storage of display fireworks, as defined in RSA 160-B:1, X and (b) coordinate enforcement activities relative to illegal sales, including the disposal or storage of illegal fireworks. Vote 15-0.

#### **Amendment (1515h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Requirements for the Display of Fireworks; Permit Fee. Amend RSA 160-B:7, V to read as follows:

V. An application for a display permit shall be made in writing at least 15 days in advance of the date of the display. The town, city, or village district may charge a reasonable fee for a permit to display fireworks. No display permit granted under this section shall be transferable, and each display permit shall be valid for only one display to be held on the date permitted. If, in the opinion of the chief of the fire department, conditions deteriorate during the 15 days before the date for which such permit is granted so that a fire hazard exists, the chief may revoke the permit. *At least 72 hours prior to the date of display, the operator of the display shall transmit a copy of the completed display permit, with proof of insurance for the display, approved by the town, city, or village district, to the department of safety.*

2 Fireworks Inspector. Amend the introductory paragraph of RSA 160-C:17 to read as follows:

160-C:17 ~~[Permissible]~~ Fireworks Inspector. There is hereby established in the office of the state fire marshal the ~~[seasonal]~~ *full-time classified* position of ~~[permissible]~~ fireworks inspector. The ~~[permissible]~~ fireworks inspector *shall be under the direction and supervision of the state fire marshal and shall:*

3 Fireworks Inspector; Duties. Amend RSA 160-C:17, I to read as follows:

I. Inspect ~~[permissible]~~ fireworks sales outlets.

*I-a. Inspect sites and facilities for the display or storage of display fireworks, as defined in RSA 160-B:1, X.*

*I-b. Coordinate enforcement activities relative to illegal sales, including the disposal or proper storage of illegal fireworks.*

4 Fire Standards and Training and Emergency Medical Services Fund. Amend RSA 21-P:12-d to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses incurred in the administration of the division of fire standards and training and emergency medical services, under RSA 21-P:12-a, the division of fire safety, under RSA 21-P:12, ~~[and]~~ the bureau of emergency management in the division of emergency services, communications, and management under RSA 21-P:36, *and the position of fireworks inspector under RSA 160-C:17.* If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the bureau of emergency management in the division of emergency services, communications, and management, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the fire standards and training and emergency medical services funds to the department of safety for such purposes.

5 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill:

I. Requires that a fireworks display permit be submitted to the department of safety at least 48 hours prior to the display.

II. Makes the position of fireworks inspector a full-time, rather than seasonal, position, responsible for permissible and display fireworks, and funded by the fire standards and training and emergency medical services fund.

Referred to the Committee on Finance.

**SB 204-FN-A**, relative to collection of debts owed the state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ronald J. Nowe for Executive Departments and Administration: This will allow the attorney general's office to have a person solely to collect funds due the state. Twenty five percent of the collected funds will be paid to the general fund until the \$100,000 in start up costs is reimbursed. Vote 15-0.

**Amendment (1485h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Collection of Debts Owed The State. Amend RSA 7 by inserting after section 15 the following new section:

**7:15-a Collection of Debts Owed to the State.**

I. State agencies and departments may refer any uncollected debt owed to the state to the attorney general for collection after determining that a debt owed to the state cannot be collected through means other than an action in court. All debts collected pursuant to this section shall be credited to the debt recovery fund established in paragraph IV.

II. No debt may be referred to the attorney general unless:

(a) There have been at least 2 documented attempts in writing to notify the debtor of the existence of the debt and of the fact that the debt may be assigned to the attorney general for collection if it is not paid;

(b) At least 30 days have elapsed from the last notice attempt; and

(c) All applicable administrative remedies have been exhausted.

III. The attorney general may:

(a) Compromise the claim.

(b) Extend for a reasonable period the time for payment of the debt by agreeing to accept monthly or other periodic payments.

(c) Cancel the debt or cause it to be cancelled if the attorney general finds, after investigation, that any debt due and owing to the state cannot be reasonably collected.

IV.(a) There is established in the office of the state treasurer a nonlapsing fund to be known as the debt recovery fund which shall be kept distinct and separate from all other funds. The debt recovery fund is established to receive all recoveries of debts paid to the state under this section.

(b) A percentage of each amount collected under this section shall be retained in the debt recovery fund for the purpose of funding the costs of all debt collection. The percentage shall be set annually by the attorney general in consultation with the commissioner of the department of administrative services as 150 percent of the total costs and expenses of the debt collection during the prior fiscal year divided by the total debt collected. Any amount remaining in the fund at the end of a fiscal year in excess of 200 percent of the costs and expenses of debt collection during the fiscal year shall be paid in a proportional amount to the accounts for which they were collected.

(c) The treasurer shall deposit in the debt recovery fund all amounts collected by the department of justice under this section. The attorney general is authorized to accept, budget, and expend moneys in the debt recovery fund received from any party without the approval of the governor and council for the purposes of:

(1) After deducting the amounts authorized in subparagraph IV(b), transferring on a quarterly basis a proportional amount recovered to the accounts for which they were collected; and

(2) For recruitment, training, administration, overhead, and supervision of such assistant attorneys general and support staff as necessary for the purposes of this section.

(d) All moneys in the debt recovery fund shall be continually appropriated to the department of justice and shall not lapse.

(e) The state treasurer, upon approval of the attorney general, shall pay the expenses of recruitment, training, administration, and supervision of assistant attorneys general and support staff as necessary for the purposes of this section, and transfer a proportional amount of unretained funds recovered to the accounts for which they were collected.

V. For purposes of this section, the term “debt” shall include fines and other debts or amounts owed to the state.

VI. Notwithstanding any other provision of this section, and subject to the supervision of the attorney general as to matters of law, state agencies and departments may seek collection of debts in small claims court without referring the debt to the attorney general. The authorization granted to seek collection of debts in small claims court under this paragraph shall not be construed to constitute a waiver of the sovereign immunity of the state, or any other defense, right, immunity, or other protection under law, including any statutory provision.

2 Attorney General; Duties. Amend RSA 7:6 to read as follows:

7:6 Powers and Duties as State’s Attorney. The attorney general shall act as attorney for the state in all criminal and civil cases in the supreme court in which the state is interested, and in the prosecution of persons accused of crimes punishable with death or imprisonment for life. The attorney general shall have and exercise general supervision of the criminal cases pending before the supreme and superior courts of the state, and with the aid of the county attorneys, the attorney general shall enforce the criminal laws of the state. ***The attorney general shall have the power to collect uncollected debts owed to the state as set forth in RSA 7:15-a.***

3 New Subparagraph; Debt Recovery Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the debt recovery fund by the treasurer under RSA 7:15-a, IV.

4 New Section; Position Established. Amend RSA 7 by inserting after section 15-a the following new section:

7:15-b Debt Collection Attorney. The department of justice shall have the authority to hire a full-time support attorney and such staff as may be necessary, who shall be responsible solely for all duties associated with the collection of debt and to the state. The position shall be funded through the debt recovery fund established in RSA 7:15-a, IV.

5 Appropriation. The amount of \$100,000 for the fiscal year ending June 30, 2008 is hereby appropriated to the debt recovery fund established by RSA 7:15-a, IV for the purpose of start-up costs, provided, that 25 percent of the recoveries collected each quarter shall be paid into the general fund until \$100,000 has been paid into the fund. The appropriation in this section shall be in addition to any other sums appropriated to the department for such purpose. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect July 1, 2007.

Referred to the Committee on Finance.

**SB 229**, relative to restitution ordered against an inmate. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill makes a change to RSA 622:32. Currently, if a prisoner willfully escapes, commits a breach of discipline, or if on parole violates parole, the commissioner of corrections can cause the forfeiture of all earnings remaining in the prisoners account. The second part allows the courts to require restitution to be paid for damages. It is the second part that we are changing. Currently any restitution paid is credited to the general fund, and this bill allows the restitution to be credited to the prison system for operating expenses. This could include repair of damages, medical bills for the inmate that was attacked, etc. Vote 15-0.

Referred to the Committee on Criminal Justice and Public Safety.

**SB 232-FN**, relative to profits from the prison industries program. **INEXPEDIENT TO LEGISLATE.**

Rep. Frederick W. King for Finance: The committee felt that this bill which addressed the distribution of the prison industries program profits can wait until this program is profitable. The department is undertaking an in-depth study of the program and will seek legislative support prior to the 2008 session. Vote 17-0.

**SB 175-FN-A**, establishing an apprentice hunting license. **INEXPEDIENT TO LEGISLATE.**

Rep. James E. Kennedy for Fish and Game: When the members of this committee first read this bill, we individually arrived at a unanimous conclusion. To send a person of any age into the woods unfamiliar with a firearm was courting disaster. Even with an amendment changing the age of the supervising hunter from 18 to 21 was not considered satisfactory. We felt after a full discussion in which the entire committee present participated, even our more taciturn member, it was decided

that this bill should be found inexpedient to legislate. Safety was the foremost issue. Though the idea for the program has merit, a new bill should be considered with more input from the Hunter Safety Programs. A hunting accident in a program like this would reflect poorly on the Legislature and the Fish & Game Department. Vote 15-0.

**SB 167-FN**, relative to the licensure of medical assistants by the board of nursing. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne S. Butcher for Health, Human Services and Elderly Affairs: This bill provides for licensing of medical assistants. The term "medical assistant" can refer to workers doing a variety of clinical and administrative duties, with training that can range from "on the job" to a two-year program of study. The committee heard testimony that the national medical assistants organization had asked for oversight by the Board of Nursing. However, we later learned that there are two national organizations with differing views. SB 167 is unclear with regard to scope of practice, educational prerequisites and licensure examination requirements, leaving these to the Board of Nursing. The committee did not feel that we have sufficient basis for licensing medical assistants. Vote 19-0.

**SB 192-FN**, establishing an outreach program in the children's health insurance program. **OUGHT TO PASS.**

Rep. Jennifer Daler for Health, Human Services and Elderly Affairs: This bill adds an outreach and education component to the New Hampshire Healthy Kids insurance program. The committee feels this program has been successful in providing access to healthcare for New Hampshire's children and would like to see all eligible children participate. Vote 20-0.

Referred to the Committee on Finance.

**SB 28**, redefining the "board of the public employer for the judiciary" in public employee collective bargaining. **OUGHT TO PASS.**

Rep. Lucy M. Weber for Judiciary: The board of public employer for the judiciary is the body which negotiates terms and conditions of employment with the judicial employee bargaining committee. Currently the board consists solely of the Chief Justice, with the advice and consent of the chief justice of the superior court. This bill redefines the board as the judicial branch administrative council, which includes the administrative judges of the district court and probate court as well as the administrative judge of the superior court and family division, so that all the courts are represented. Vote 14-0.

**SB 108**, making technical corrections to the probate laws. **OUGHT TO PASS.**

Rep. Bette R. Lasky for Judiciary: This bill was requested by the Supreme Court on behalf of the Probate Court to make certain technical corrections to various probate related statutes. These corrections deal with minor guardianships, attachments and clarifies that probate court judges are referenced in RSA 516:3. Vote 17-0.

**SB 132-FN**, allowing marital masters to be reimbursed for certain expenses and repealing a provision permitting court stenographers to be reimbursed for expenses. **OUGHT TO PASS.**

Rep. Philip Preston for Judiciary: This bill provides that marital masters shall be reimbursed for expenses in the same manner as superior court justices when serving on a court other than the one to which they are assigned. It also repeals a statute which reimburses expenses for court stenographers, since there are no longer any employed by the courts. Vote 17-0.

**SB 133-FN**, relative to the escrow fund for court facility improvements. **OUGHT TO PASS.**

Rep. Philip Preston for Judiciary: This bill repeals the flat fees paid to the escrow fund for court facility improvements. It establishes in their place a fee based upon 7% of entry fees for all courts. With an anticipated increase in court fees, the revenue will double the amount paid into the escrow fund for needed repairs to court facilities. Vote 14-0.

Referred to the Committee on Ways and Means.

**SB 145-FN**, allowing marital masters and registers and deputy registers of probate to perform notarial acts. **OUGHT TO PASS.**

Rep. Lucy M. Weber for Judiciary: Currently, RSA 456-B:3, I(b) already allows judges, clerks and deputy clerks to perform notarial acts. This bill promotes efficiency and convenience by adding marital masters, registers of probate and deputy registers of probate to the list of those authorized to perform notarial acts. Testimony before the committee was that the actual financial impact of the bill would be minimal. Vote 17-0.

**SB 59**, establishing a committee to study the effect on the unemployment compensation trust fund of employees with negative balance separate accounts. **OUGHT TO PASS WITH AMENDMENT.** Rep. Mary Ann Knowles for Labor, Industrial and Rehabilitative Services: This bill was requested by the Department of Employment Security. It establishes a committee to study the effect on the unemployment compensation trust fund of employees with negative balance separate accounts. Vote 17-0.

#### **Amendment (1282h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

#### **AMENDED ANALYSIS**

This bill establishes a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

**SB 60-FN**, relative to compensations for injuries and illnesses suffered by national guard members on state active duty. **OUGHT TO PASS.**

Rep. John K. Knowles for Labor, Industrial and Rehabilitative Services: This bill permits a national guard member on state active duty who sustains an injury which falls within the definition of "injury" or "personal injury" under RSA 281-A, to receive state workers' compensation benefits. The bill also requires the state to pay or reimburse the costs of necessary medical treatment to national guard members on state active duty who become ill or whose injuries do not fall within the definition of the workers' compensation law. Vote 15-0.

Referred to the Committee on Finance.

**SB 69**, relative to exceptions to the confidentiality provisions for certain department of employment security records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Randolph N. S. Holden for Labor, Industrial and Rehabilitative Services: The bill allows the department of employment security to share certain information with the Social Security Administration provided such information is limited and on a case by case basis. This information would be used to detect and prevent fraud, waste, and abuse in Social Security Administration programs. Vote 16-1.

#### **Amendment (1283h)**

Amend RSA 282-A:118, VI as inserted by section 1 of the bill by replacing it with the following:

*VI. That for the purpose of the Social Security Administration and the department of employment security establishing and verifying eligibility and payment amounts; and preventing and detecting waste, abuse, fraud and identity theft, the commissioner may enter into a reciprocal electronic data-exchange agreement with the Social Security Administration. The Social Security Administration's use of the information provided shall be limited to use in accordance with federal laws and regulations pertaining to prevention and detection of fraud, waste, and abuse in the Social Security Administration's programs, and the entitlement, eligibility, and benefit payment amounts of individuals under Title II or Title XVI of the Social Security Act. Authorized federal employees granted access as provided in this paragraph shall be granted access on a case by case basis as provided in paragraph III. Information under this paragraph shall only be provided upon a finding by the commissioner that sufficient guarantees of continued confidentiality are in place.*

#### **AMENDED ANALYSIS**

This bill allows the department of employment security to share certain information with the Social Security Administration provided such information is limited to detecting and preventing fraud, waste, and abuse in Social Security Administration programs.

**SB 40**, relative to the modular building code. **OUGHT TO PASS.**

Rep. Joseph A. Guthrie for Municipal and County Government: This bill removes the reference to the International Residential Code 2000 from the definition of the modular building code. The modular building code is defined as the state building code, which is defined to include the International Residential Code 2000 under RSA 155-A: 1, IV. Vote 13-0.

**SB 99**, relative to the terms for payment in lieu of taxes for renewable generation facilities. **OUGHT TO PASS.**

Rep. Bennett F. Moore for Municipal and County Government: This bill allows, as a local option, the ability for governing bodies to enter into arrangements of longer than 5 years for agreements for payments in lieu of taxes on renewable generation facilities. Current law limits such agreements to a term of no more than 5 years. The economic life of such facilities are much longer than 5 years and the ability to finance them may be improved by allowing the term of agreements for payments in lieu of taxes to more closely match the economic life of the facility. Vote 12-0.

**SB 118**, increasing fines for certain dog violations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph A. Guthrie for Municipal and County Government: This bill as amended increases fines from \$25.00 for the first nuisance offense to \$100.00 for any subsequent offense. In addition, the fines for menace offenses are increased from \$50.00 for the first offense committed to \$200.00 for subsequent menace offenses. Vote 13-0.

#### **Amendment (1279h)**

Amend RSA 466:31-a, II(a) through (c) as inserted by section 2 of the bill by replacing it with the following:

(a) \$25 for the first nuisance offense under RSA 466:31, II(a), (b), (c) or (d); [~~\$50~~] **\$100** for the second **or subsequent** nuisance offense committed within 12 months of the first nuisance offense under RSA 466:31, II(a), (b), (c) or (d).

(b) \$50 for the first menace offense under RSA 466:31, II(e) or (f); [~~\$100~~] **\$200** for the second or subsequent menace offense committed within 12 months of the first menace offense under RSA 466:31, II(e) or (f).

(c) \$100 for the first vicious offense under RSA 466:31, II(g).

**SB 180**, relative to local regulation of persons soliciting contributions on streets. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F. Moore for Municipal and County Government: This would force local governing boards to issue permits for solicitations in public ways if a fixed list of documents are provided to it. This would not allow for special local knowledge to influence the conditions of any such permit. Vote 13-0.

**SB 186-FN**, establishing a committee to study a state elderly homeowner property tax credit. **INEXPEDIENT TO LEGISLATE.**

Rep. Bennett F. Moore for Municipal and County Government: Originally the bill would have created a tax credit for the elderly. A senate amendment modified the bill so that it merely creates a study committee for the question. Another study for tax relief for elderly property tax relief that only indicates a tax credit removes the ability of the study committee to review all other options. This issue and similar questions have been studied in the past and no benefit is seen from a new study committee. Vote 13-0.

**SB 160-FN-L**, adding members to the Skyhaven airport operation commission and changing the required completion date for the Skyhaven airport transfer plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B. Campbell for Public Works and Highways: The original senate bill added members to the Skyhaven Airport operation commission and extended the transfer plan date. The amendment reflects a unanimous compromise by the committee, between those who, frustrated by over 18 years of delays in the possible transfer of Skyhaven to the city of Rochester, advocated immediate disposition of the airport and those who wanted to give the City of Rochester a chance for an economic study to be considered by its City Council. The amendment gives Rochester an opportunity to review the economic study before March 1, 2008, by which time the City must legally

commit itself to acquisition of Skyhaven by July 1, 2008. If Rochester does not commit to acquiring Skyhaven by March 1, 2008, then the Department of Transportation is required to negotiate a lease with Pease Development Authority commencing July 1, 2008. Vote 17-0.

#### **Amendment (1410h)**

Amend the title of the bill by replacing it with the following:

AN ACT adding members to the Skyhaven airport operation commission and relative to the Skyhaven airport transfer plan.

Amend the bill by replacing section 2 with the following:

2 Contingency; Operation of Skyhaven Airport by the Pease Development Authority. Notwithstanding the provisions of 1998, 317:1, if the city of Rochester has not legally committed on or before March 1, 2008 to acquire Skyhaven airport no later than July 1, 2008, the department of transportation shall negotiate a lease with the Pease development authority for operation of the Skyhaven airport, with the approval of the long range capital planning and utilization committee and the governor and council. The lease shall be completed by July 1, 2008.

#### **AMENDED ANALYSIS**

This bill adds members to the Skyhaven airport operation commission.

The bill also requires the department of transportation to negotiate a lease with the Pease development authority for operation of the Skyhaven airport, if the city of Rochester has not legally committed by March 1, 2008 to acquire the airport no later than July 1, 2008.

**SB 50**, relative to the membership of the state veterans' advisory committee and authorizing the state veterans council to accept certain donations and bequests. **OUGHT TO PASS.**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: This bill serves two purposes. The first expands the state veteran's advisory committee membership from ten to fourteen members. Membership is limited to national chartered veteran's organizations such as VFW, DAV and American Legion. This bill will grant organizations such as the Marine Corps League, which has taken an active role in supporting our veterans, our youth and our citizens for years, the authority to become a voting member. The second part of this bill will grant the state veteran's advisory committee the authority to accept donations from citizens who want to improve the New Hampshire Veterans Cemetery or to allow the committee to help veterans in urgent need that sometimes fall through the cracks. Neither purpose will cost the state any tax payer money but will improve the quality of life for our veterans. Vote 12-0.

**SB 221**, establishing a commission to organize events in celebration of the Abraham Lincoln bicentennial. **OUGHT TO PASS.**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: This bill provides the people of New Hampshire the opportunity to honor one of our greatest presidents, who through personal strength, courage and strength of conviction, paid the ultimate price in order to preserve the union. The committee to honor the Lincoln Bicentennial will not only work to show President Lincoln's connection to the Granite State but will provide our citizens the opportunity to participate in exhibits, programs and local events. The goal is to allow our citizens to "Live the Legacy" and to learn about the character that not only made Lincoln a great person but a great leader. Vote 12-0.

**SB 234-FN**, relative to privileges, benefits, and immunities for national guard members. **OUGHT TO PASS.**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: The committee recommends that a member of the New Hampshire National Guard be treated as a resident and citizen of the State of New Hampshire for the purposes of entitlement to privileges, benefits and immunities provided under state law. This bill ensures that all New Hampshire Guard members are entitled to the same rights and privileges without any element of discrimination on the basis of where the service member resides. This bill provides a fair employment policy by the New Hampshire Guard for all its members as a tool for retention and recruiting of guard members. Many officers, to include pilots and air crew and senior NCO's with valuable skills, come from all over the country to be a member of the New Hampshire Army and Air Guard providing much needed skills while saving the New Hampshire taxpayers training expenses. Vote 12-0.

**SB 126-FN-A**, relative to motor vehicle fines. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for Transportation: This bill would have repealed the sunset on the increase in motor vehicle fines passed in the last session. These fines were increased last session. Matters relative to fines are now under consideration in HB 2. Vote 15-0.

**SB 187**, relative to motor vehicles operated in parades. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard N. Cunningham for Transportation: The committee took into consideration SB 187 and the closely related HB 296. The goal was to promote safety while not detracting from the enjoyment of parades. The amendment successfully addresses risks posed by outrigger wheel assemblies and also provides specific guidelines for the supervision and safety of children. Vote 14-2.

#### **Amendment (1434h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Parade Vehicles. Amend RSA 265 by inserting after section 108 the following new section:

265:108-a Parade Vehicles.

I. No person may operate a vehicle in a parade unless the following safety precautions are taken:

(a) No person may use any type of vehicle with outrigger wheels in a parade unless the vehicle is modified to protect both riders and pedestrians from the outrigger wheel assembly.

(b) At least one adult, other than the driver, shall supervise children riding on a vehicle in a parade and have a reasonable means of immediate communication with the driver. The number of adults supervising the children shall not be less than one adult per every 4 children and sufficient to ensure that each child is visible to a supervising adult.

(c) Children riding on a vehicle in a parade shall remain entirely within the perimeter of the vehicle and, if standing, shall be reasonably protected from probable injury if the vehicle suddenly starts or stops.

II. Any person operating a vehicle without following all of the safety precautions listed in paragraph I shall be guilty of a violation, and shall be subject to the following fines:

(a) \$50 for a first offense.

(b) \$100 for a second or subsequent offense.

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill establishes safety requirements that must be followed by operators of parade vehicles.

**SB 55-FN**, establishing a committee to study the efficacy of the Master Settlement Agreement and strategies for addressing the financial burden imposed on the state by cigarette smoking and the use of tobacco products. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christine C. Hamm for Ways and Means: This bill was submitted in an effort to review the Master Settlement Agreement and the terms that impact New Hampshire's allocable share payments. The committee heard testimony that not all manufacturers pay equally into the Master Settlement Agreement. Members concluded that this bill would offer an opportunity to better understand the impact of pending litigation and other factors which have caused New Hampshire's share of the MSA revenues to decline and to consider if there is a better way to achieve the financial and public health benefits the state now accrues from the Master Settlement Agreement. Vote 15-1.

#### **Amendment (1468h)**

Amend subparagraph I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Three members of the house of representatives, one of whom shall be a member of the finance committee, and one of whom shall be a member of the ways and means committee, appointed by the speaker of the house of representatives.

**SB 87**, making technical corrections to certain lottery commission provisions. **OUGHT TO PASS.**

Rep. Gilman C. Shattuck for Ways and Means: This bill makes several technical corrections to lottery commission provisions in RSA's which are inconsistent with long term practice by the commission. These corrections are requests by the lottery commission after their performance audit. Vote 16-1.



**REGULAR CALENDAR**

**SB 193**, relative to adjustments to the child support guidelines under special circumstances. **OUGHT TO PASS.**

Rep. Carolyn M. Gargasz for Children and Family Law: This bill provides that adjustments to the child support guidelines shall be considered in light of the best interests of the child. The bill also establishes criteria for making adjustments to the child support guidelines in cases involving significantly high or low incomes and in shared parenting cases. Vote 13-3.

Rep. Matarazzo offered floor amendment (1544h).

**Floor Amendment (1544h)**

Amend RSA 458-C:5, I(h)(1) as inserted by section 1 of the bill by replacing it with the following:

*(1) Equal or approximately equal parenting residential responsibilities in and of itself shall not eliminate the need for child support.*

Reps. Matarazzo and Itse spoke in favor.

Reps. Gile and Walz spoke against.

On a division vote, 148 members having voted in the affirmative and 199 in the negative, floor amendment (1544h) failed.

The question now being adoption of the committee report of Ought to Pass.

On a division vote, 230 members having voted in the affirmative and 118 in the negative, the committee report was adopted.

Ordered to third reading.

Rep. Coughlin declared a conflict of interest on **SB 193** and did not participate.

**SB 38**, relative to uninsured or hit-and-run motor vehicle coverage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert F. Matheson for Commerce: The bill as amended addresses a problem in motor vehicle insurance coverage. It clarifies that if an insured elects to raise his liability coverage, the insured's "uninsured motorist coverage" shall automatically rise to an equal amount. It further states if this is not desired by the insured then this must be in writing. The amendment goes on to say rejection will also cover anyone on the policy as well as all the vehicles on the policy. Vote 14-4.

**Amendment (1530h)**

Amend the bill by replacing section 1 with the following:

1 Uninsured or Hit-and-Run Motor Vehicle Coverage; Rejection by Insured. Amend RSA 264:15, I to read as follows:

I. No policy shall be issued under the provisions of RSA 264:14, with respect to a vehicle registered or principally garaged in this state, unless coverage is provided therein or supplemental thereto at least in amounts or limits prescribed for bodily injury or death for a liability policy under this chapter, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or drivers of uninsured motor vehicles, and hit-and-run vehicles because of bodily injury, sickness, or disease, including death resulting therefrom. When an insured elects to purchase liability insurance in an amount greater than the minimum coverage required by RSA 259:61, [his] *the insured's* uninsured motorist coverage shall automatically be equal to the liability coverage elected. For the purposes of this paragraph umbrella or excess policies that provide excess limits to policies described in RSA 259:61[;] shall also provide uninsured motorist coverage equal to the limits of liability purchased, unless the named insured rejects such coverage *in writing. Rejection of such coverage by a named insured shall constitute a rejection of coverage by all insureds, shall apply to all vehicles then or thereafter eligible to be covered under the policy, and shall remain effective upon policy amendment or renewal, unless the named insured requests such coverage in writing.* Amendment adopted.

Committee report adopted and ordered to third reading.

**SB 93-FN**, relative to insurance coverage for children's early intervention therapy services. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for the Majority of Commerce: This bill mandates health insurance coverage for the fixed amount of \$3200 annually toward the costs of early childhood intervention

services for children age birth to 3 years. In this state, these services are already covered by Anthem, the state employees' health plan, and Medicaid/Healthy Kids; this will require other insurers to do the same. Early childhood intervention, such as occupational, physical, and speech-language therapies for developmental disabilities and/or delays, mitigate, improve, and often cure these situations at a critical age, forestalling more extensive and expensive medical or educational intervention at a later age, and best prepare a child for entering school. The finite cost to insurers will put minimal pressure on premiums, while providing substantial benefits to these children, their families, and our educational and social systems. Vote 11-8.

Rep. John B. Hunt for the Minority of Commerce: The bi-partisan minority of the committee felt this mandate would add to the already burdensome cost of health insurance here in New Hampshire. This bill assumes there will be future savings projections that were unsubstantiated. This bill was originally introduced in the Senate who decided to send it to the insurance department for a financial review. The 3rd party company estimated that there could be long term societal savings but there certainly would be an immediate impact on premiums. The report further states that to reduce the impact of this bill some employers and individuals will accept higher deductibles and co-payments to offset the increased premiums. Finally the report states that this legislation will only effect 50% of New Hampshire health plans and that the benefits can be positive only if it "is focused on children who truly need early intervention." Unfortunately no study can guarantee that!

### **Majority Amendment (1520h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Individual; Coverage for Children's Early Intervention Therapy Services. Amend RSA 415 by inserting after section 6-m the following new section:

415:6-n Coverage for Children's Early Intervention Therapy Services. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical, rehabilitation or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care physician if applicable. The benefits included in this section may be subject to deductibles, copayments, coinsurance, or other terms and conditions of the policy, and may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

2 New Section; Group; Coverage for Children's Early Intervention Services. Amend RSA 415 by inserting after section 18-r the following new section:

415:18-s Coverage for Children's Early Intervention Services. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical, rehabilitation or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care physician if applicable. The benefits included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

3 New Section; Health Service Corporations; Coverage for Children's Early Intervention Services. Amend RSA 420-A by inserting after section 17-f the following new section:

420-A:17-g Coverage for Children's Early Intervention Services. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical, rehabilitation or hospital expenses, which provides coverage for outpatient services shall provide

to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care physician if applicable. The benefits included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

4 New Section; Managed Care; Coverage for Children's Early Intervention Services. Amend RSA 420-B by inserting after section 8-p the following new section:

420-B:8-q Coverage for Children's Early Intervention Services. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group or blanket health insurance providing benefits for medical, rehabilitation or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care physician if applicable. The benefits included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

5 Effective Date. This act shall take effect 60 days after its passage.  
Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.  
Rep. Hunt spoke against.

Rep. Jill Hammond spoke in favor.

Rep. Hunt requested a roll call; sufficiently seconded.

## YEAS 214 NAYS 135

### YEAS 214

#### BELKNAP

Arsenault, Beth  
Wood, Jane

Millham, Alida

Pilliod, James

Reever, Judith

#### CARROLL

Ahlgren, Christopher  
Cunningham, Howard

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

#### CHESHIRE

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

Burridge, Delmar  
Chase, William  
Johnson, Jane  
Parkhurst, Henry  
Robertson, Timothy

Butcher, Suzanne  
Dunn, J. Timothy  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Sad, Tara

Butterworth, Timothy  
Eaton, Daniel  
Loll, Thomas  
Richardson, Barbara  
Weber, Lucy

#### COOS

Hatch, William  
Theberge, Robert

Merrick, Evalyn  
Thomas, Yvonne

Merrick, Scott

Remick, William

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine

Almy, Susan  
Estes, Carole  
Laliberte, Suzanne  
Nordgren, Sharon

Andersen, Gene  
Friedrich, Carol  
Lovett, Sid  
Pierce, David

Benn, Bernard  
Hammond, Lee  
Matheson, Robert  
Preston, Philip

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Cote, Peter  
Edwards, Andrew  
Foster, Linda  
Gorman, Mary  
Hammond, Jill  
Irwin, Anne-Marie  
Kelley, John  
Levesque, Melanie  
Martineau, Jesse  
O'Neil, James  
Schulze, Joan  
Simon, Anthony  
Sullivan, Francis

Beaulieu, Jane  
Campbell, David  
Coughlin, Pamela  
Essex, David  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Jean, Claudette  
Lasky, Bette  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
Pilotte, Maurice  
Shattuck, Gilman  
Smith, Sandra  
Sysyn, Mary

Beck, Catriona  
Clemons, Jane  
Daler, Jennifer  
Fontas, Jeffrey  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Judy, Jean  
Leishman, Peter  
Long, Patrick  
Mesa, Lily  
Reuschel, Michael  
Shaw, Barbara  
Spratt, Stephen  
Velez, Hector

Bergin, Peter  
Cote, David  
Drisko, Richard  
Forest, Armand  
Goley, Jeffrey  
Hall, Betty  
Holden, Randolph  
Kaelin, Michael  
Levasseur, Nickolas  
Mack, Ron  
Movsesian, Lori  
Rosenwald, Cindy  
Shaw, Kimberly  
Sullivan, Daniel

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
Ehlers, Eileen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Beauchesne, Suzanne  
Davis, Frank  
Foote, Robert  
Hager, Elizabeth  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Blanchard, Elizabeth  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Brown, Carole  
DeStefano, Stephen  
Gile, Mary  
Kidder, David  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

**ROCKINGHAM**

Abbott, Dennis  
Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Hutchinson, Karen  
Lister, Charlotte  
Moody, Marcia  
Powers, James  
Robertson, Carl

Borden, David  
Casey, Kimberley  
Grote, Otto  
Kelley, Jane  
Marsh, Michael  
Moore, Bennett  
Preston, Mark  
Russell, Trink

Brown, C. Pennington  
Day, Judith  
Henson, John  
Kennedy, James  
McCarthy, Linda  
Nord, Susi  
Quandt, Marshall  
Snow, Richard

Buxton, Donald  
DiFruscia, Anthony  
Howard, Doreen  
Kepner, Susan  
McKenna, Daniel  
Pearson, Mark  
Reagan, John  
Splaine, James

**STRAFFORD**

Berube, Roger  
Brown, Larry  
Fargo, Thomas  
Knowles, William  
Rollo, Michael  
Spang, Judith  
Watson, Robert

Billian, Deborah  
Browne, Brendon  
Grassie, Anne  
Mickelson, Shawn  
Rous, Emma  
Sprague, Dale

Brennan, William  
Burke, Rachel  
Hilliard, Dana  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Brown, Jennifer  
Cyr, James  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Warren, Nancy

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Skinder, Carla

Donovan, Thomas  
Houde, Matthew

Franklin, Peter  
Jillette, Arthur Jr

**NAYS 135****BELKNAP**

Allen, Janet  
Heald, Bruce  
Tilton, Franklin

Boyce, Laurie  
Nedeau, Stephen  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Flanders, Donald  
Thomas, John  
Whalley, Michael

**CARROLL**

Brown, Carolyn  
Morrow, Harry

Chandler, Gene  
Patten, Betsey

Denley, William  
Stevens, Stanley

Martin, James

**CHESHIRE**

Emerson, Susan

Hunt, John

Pelkey, Stephen

**COOS**

King, Frederick

Tholl, John Jr

**GRAFTON**

Dingman, Vernon III  
Solomon, Peter

Eaton, Stephanie  
Sorg, Gregory

Gionet, Edmond  
Williams, Burton

Ingbretson, Paul

**HILLSBOROUGH**

Barry, Richard  
Christiansen, Lars  
Day, Russell  
Fletcher, Richard  
Hansen, Ryan  
Infantine, William  
Lawrence, James  
Messier, Irene  
Ober, Russell III  
Rowe, Robert  
Stepanek, Stephen  
Villeneuve, Maurice

Batula, Peter  
Clark, Mark  
Dokmo, Cynthia  
Francoeur, Bea  
Hawkins, Ken  
Jasper, Shawn  
Lessard, Rudy  
Mooney, Maureen  
Peterson, Andy  
Smith, David  
Tahir, Saghir  
Winters, Joel

Bergeron, Jean-Guy  
Crane, Elenore Casey  
Elliott, Nancy  
Graham, John  
Hinkle, Peyton  
Kurk, Neal  
Manney, Pamela  
O'Connell, Timothy  
Price, Pamela  
Soucy, Connie  
Ulery, Jordan

Christensen, Chris  
Daniels, Gary  
Emerton, Larry  
Haefner, Robert  
Hogan, Edith  
L'Heureux, Robert  
McRae, Karen  
Ober, Lynne  
Renzullo, Andrew  
Spaulding, Jayne  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Lockwood, Priscilla

Clarke, Claire  
MacKay, James

Hess, David  
Reed, Dennis

Humphries, Charlie

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Case, Frank  
Elliott, Robert  
Garcia, Marilinda  
Guthrie, Joseph  
Introne, Robert  
Katsakiores, George  
McMahon, Charles  
Quandt, Matthew  
Waterhouse, Kevin  
Weyler, Kenneth

Baldasaro, Alfred  
Bishop, Franklin  
Charron, Gene  
Emiro, Frank  
Garrity, James  
Headd, James  
Itse, Daniel  
Katsakiores, Phyllis  
Moore, Benjamin  
Rausch, James  
Weare, Everett  
Wickson, Rick

Bedrick, Jason  
Camm, Kevin  
Dalrymple, David  
Fesh, Bob  
Gould, Kenneth  
Hopfgarten, Paul  
Johnson, Robert  
Lund, Howie  
Packard, Sherman  
Sanders, Elisabeth  
Welch, David  
Winchell, George

Belanger, Ronald  
Carson, Sharon  
Devine, James  
Flanders, John Sr  
Griffin, Mary  
Ingram, Russell  
Kappler, Lawrence  
McKinney, Betsy  
Priestley, Anne  
Stiles, Nancy  
Wells, Roger

**STRAFFORD**

Brown, Julie

Goodwin, Earle

**SULLIVAN**

Ferland, Brenda  
and the majority committee report was adopted.  
Referred to the Committee on Finance.

Rodeschin, Beverly

Rep. Morrison declared a conflict of interest on **SB 93-FN** and did not participate.

**SB 125-FN**, relative to certificates for architect business organizations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul McEachern for Commerce: This legislation prohibits a person who is not a licensed architect from holding himself out to the public as performing architectural services. It also permits licensed architects to practice as a member of a business organization which holds itself out as practicing architecture and creates a regulating structure for such practice. Vote 13-6.

**Amendment (1383h)**

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Violations; Representation. Amend RSA 310-A:50, I, (e) to read as follows:

(e) Practice architecture or to offer, advertise or hold oneself out to the public as being in the practice of architecture in this state without a license, *or to represent by verbal claim, sign, letterhead, card, or in any other way that such person performs architectural services, unless the person holds a license under this subdivision*; or

**AMENDED ANALYSIS**

This bill establishes procedures for issuance of certificates for architect business organizations, and clarifies the crime of falsely representing the performing of architectural services.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Executive Departments and Administration.

**SB 155**, relative to insurance coverage for chiropractic services. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charles L. Clark for the Majority of Commerce: In the matter of co-payments to the insured for chiropractic services, the committee feels that although there are times that patients are unhappy with their employer's choice of plans, the proposed bill is not a good solution. The chiropractors ask to be treated the same as primary care physicians regarding co-payments but the committee believes it is not for us to categorize health care providers. We recommend inexpedient to legislate. Vote 13-6.

Rep. Robert F. Matheson for the Minority of Commerce: The bill addresses health plans that offer chiropractic benefits. Employers buy these plans believing chiropractic care is covered. As the co-pay costs rise, the total cost of the service is being buried in the co-pay. By holding the co-pays amount similar to the primary care provider, we allow better access to health care.

Majority committee report adopted.

Rep. Greco declared a conflict of interest on **SB 155** and did not participate.

**SCR 2**, urging Congress to amend the No Child Left Behind Act. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Emma L. Rous for the Majority of Education: This resolution urges the US Congress to amend the No Child Left Behind Act as it comes up for reauthorization this year, in accordance with the National Conference of State Legislatures' task force report, a report created with bipartisan representation from the NH General Court. While NCLB's goal of raising achievement is admirable and NH has made every effort to comply with the program, the resolution asks for flexibility for states in promoting and evaluating the growth of each child. It also urges Congress to request a GAO evaluation of the costs to states and local districts of full NCLB compliance, including reaching 100% proficiency for every student. An important critique of NCLB is that it is a minimally funded mandate that violates the 10th amendment of the US Constitution by assuming powers that belong to the states. Vote 10-6.

Rep. Sharon M. Carson for the Minority of Education: The minority believes it serves no purpose passing SCR 2 other than to make a statement of dissatisfaction. The NCLB program is currently under review and changes are being contemplated by the United States Congress. The program has vastly improved school performance across the country and experience has shown that in the re-authorization some changes should be and shall be made. The continuing problem in New Hampshire seems to be a lack of communication between the New Hampshire Department of Education and school districts across the state.

On a division vote, 205 members having voted in the affirmative and 125 in the negative, the majority committee report was adopted.

Ordered to third reading.

**SB 18-FN**, raising the age of required attendance of children in school. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Timothy Dunn for the Majority of Education: In current practice, a student can leave school at 16 simply by meeting with a principal and getting signed approval from a parent or guardian. With SB 18, students need a plan for completing their education in order to leave the traditional classroom before age 18. The plan can include work-study, night school, GED prep, internships, apprenticeships, independent study, or placement in a vocational or alternative learning program. Plans are developed by the student, a parent or guardian, a guidance counselor, and the principal. Under RSA 193:5, a superintendent can still exempt a student from compulsory attendance "if facts warrant" and if "the welfare of the child will be best served," and the bill exempts homeschoolers. Raising the legal age for school attendance is a missing and necessary piece in the state's ongoing effort to lower dropout rates in New Hampshire. Knowing the demands of today's society, we cannot send the message that it is acceptable to leave high school without a diploma. Higher completion rates lower social costs. These students are not new to our system; they are already in our school budgets. The state currently spends \$23 million for programs for at-risk students and DOE has budgeted an additional \$4.5 million for new or expanded programs. One and a half million is budgeted to accompany SB 101, providing additional tuition and transportation aid for extended programs at regional vocational schools. The bill has widespread support in the education and business community (including BIA, NHRMA, Auto Dealers, Law Enforcement, NEA/AFT). Vote 12-6.

Rep. David W. Hess for the Minority of Education: The committee minority believes SB 18 as proposed is not ready for enactment. Currently, a student can drop out at age 16 only if the parents, after consultation with the school principal, agree. This bill takes away these parental rights and vests that authority with the school district superintendent. The minority believes these parental rights in making this decision about one's own children should be protected. The minority also believes this bill imposes an unnecessary new mandate on our local schools without providing either the funding to pay for it or the infrastructure and capacity needed to implement its complex requirements. This bill will keep an additional 1100 students in our high schools. Twenty six percent of these dropouts are special education students; an estimated 30 percent are eligible for free or reduced lunch. Thus, over half of these students are the very ones that require the greatest resources and the most intensive supervision and instruction. Yet the state is unwilling to commit the resources and funds needed to provide these services. The minority strongly believes that the local property tax payers will wind up paying the extra millions, if not tens of millions of dollars needed to implement this legislation. Finally, mandating is not the New Hampshire way. Certainly a "one size fits all" mandate to all of our local school districts is not warranted nor appropriate when the school dropout rate here in New Hampshire is already dropping dramatically under existing practices. Over the past four years, the cumulative high school dropout rate (the percentage of entering 9th graders who fail to graduate) has declined from over 15 percent to just over 12 percent, a 20 percent reduction. Fifteen of our high schools, small and large, north and south, in rich districts and poor, have cumulative dropout rates of less than 5 percent. Rather than mandate a uniform, bureaucratic overlay across the state to address this legitimate concern, the minority believes the Department of Education should use these successful dropout programs as models to be studied and evaluated in less successful high schools. Use proven models that work to solve this problem, not yet another untried, unfunded mandate. The minority would have preferred to retain the bill. Rep. Kurk offered floor amendment (1632h).

**Floor Amendment (1632h)**

Amend the bill by replacing all after section 5 with the following:

6 Applicability. This act shall take effect in each school district of the state beginning July 1, 2009 only after both of the following occur:

I. The commissioner of the department of education certifies to the secretary of state and the governor that the state has the ability to fully fund the educational programs, services, and personnel and, where appropriate, the alternative learning plans as set forth in RSA 193:1, I(g), necessary to provide appropriate educational services to children who are at least 16 years of age but under 18 years of age and who, but for the increase in the age of compulsory attendance set forth in RSA 193:1, I(a), would not have attended school; and

II. The school board of the school district certifies to the commissioner of the department of education that the school district is able to comply with the provisions of this act.

7 Effective Date.

I. Sections 1-5 of this act shall take effect as provided in section 6 of this act.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill raises from 16 to 18 the age for compulsory school attendance and provides a procedure for a pupil who is at least 16 years of age to obtain an attendance waiver from school and requires that the commissioner of the department of education and the school board of a school district certify their respective abilities to comply with the provisions of the bill.

Rep. Kurk spoke in favor.

Rep. Rous spoke against.

Rep. Belanger requested a roll call; sufficiently seconded.

### YEAS 143 NAYS 149

#### YEAS 143

##### BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

##### CARROLL

Ahlgren, Christopher	Brown, Carolyn	Denley, William	Martin, James
Merrow, Harry	Patten, Betsey	Stevens, Stanley	

##### CHESHIRE

Butynski, William	Emerson, Susan	Johnson, Jane	Pelkey, Stephen
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##### COOS

King, Frederick

##### GRAFTON

Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul
Solomon, Peter	Sorg, Gregory	Williams, Burton	

##### HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christiansen, Lars
Crane, Elenore Casey	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Emerton, Larry	Fletcher, Richard
Graham, John	Haefner, Robert	Haley, Robert	Hinkle, Peyton
Hogan, Edith	Infantine, William	Kurk, Neal	Lawrence, James
Levasseur, Nickolas	Manney, Pamela	McRae, Karen	Messier, Irene
O'Connell, Timothy	Ober, Lynne	Ober, Russell III	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Shaw, Kimberly	Smith, David
Smith, Sandra	Soucy, Connie	Spaulding, Jayne	Spratt, Stephen
Stepanek, Stephen	Sullivan, Francis	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel	

##### MERRIMACK

Anderson, Eric	Hager, Elizabeth	Hess, David	Humphries, Charlie
Kidder, David	Lockwood, Priscilla	MacKay, James	Owen, Derek
Reed, Dennis	Richardson, Gary		

##### ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Buxton, Donald	Cali-Pitts, Jacqueline
Camm, Kevin	Case, Frank	Charron, Gene	Dalrymple, David



Devine, James  
Fesh, Bob  
Gleason, John  
Headd, James  
Introne, Robert  
Katsakiores, George  
McMahon, Charles  
Reagan, John  
Weare, Everett  
Wickson, Rick

DiFruscia, Anthony  
Flanders, John Sr  
Gould, Kenneth  
Hopfgarten, Paul  
Itse, Daniel  
Kelley, Jane  
Moore, Benjamin  
Sanders, Elisabeth  
Welch, David  
Winchell, George

Elliott, Robert  
Garcia, Marilinda  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Robert  
Lund, Howie  
Pearson, Mark  
Stiles, Nancy  
Wells, Roger

Emiro, Frank  
Garritty, James  
Guthrie, Joseph  
Ingram, Russell  
Kappler, Lawrence  
McKinney, Betsy  
Priestley, Anne  
Waterhouse, Kevin  
Weyler, Kenneth

### **STRAFFORD**

Brown, Julie

Hilliard, Dana

Sprague, Dale

Watson, Robert

### **SULLIVAN**

Ferland, Brenda

Phinizz, James

Skinder, Carla

### **NAYS 149**

### **BELKNAP**

Arsenault, Beth

Morrison, Gail

Reever, Judith

Wood, Jane

### **CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

### **CHESHIRE**

Allen, Peter  
Chase, William  
Loll, Thomas  
Roberts, Kris  
Weed, Charles

Burridge, Delmar  
Dunn, J. Timothy  
Mitchell, Bonnie  
Robertson, Timothy

Butcher, Suzanne  
Espiefs, Peter  
Plifka, Stanley Jr  
Sad, Tara

Butterworth, Timothy  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

### **COOS**

Hatch, William

Merrick, Evalyn

Remick, William

Thomas, Yvonne

### **GRAFTON**

Almy, Susan  
Friedrich, Carol  
Lovett, Sid  
Pierce, David

Benn, Bernard  
Hammond, Lee  
Matheson, Robert  
Preston, Philip

Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine

Estes, Carole  
Laliberte, Suzanne  
Nordgren, Sharon

### **HILLSBOROUGH**

Beck, Catriona  
Essex, David  
Ginsburg, Ruth  
Hammond, Jill  
Jean, Claudette  
Levesque, Melanie  
Martineau, Jesse  
Pilotte, Maurice  
Shattuck, Gilman

Cote, David  
Forest, Armand  
Gorman, Mary  
Harvey, Suzanne  
Kelley, John  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
Reuschel, Michael  
Shaw, Barbara

Cote, Peter  
Foster, Linda  
Hackel, Paul  
Hebert, Roger  
Leishman, Peter  
Long, Patrick  
Mesa, Lily  
Rosenwald, Cindy  
Simon, Anthony

Coughlin, Pamela  
Garritty, Patrick  
Hall, Betty  
Irwin, Anne-Marie  
Lessard, Rudy  
Mack, Ron  
O'Neil, James  
Schulze, Joan  
Sysyn, Mary

### **MERRIMACK**

Beauchesne, Suzanne  
Clarke, Claire  
French, Barbara  
Potter, Frances  
Wallner, Mary  
Yeaton, Charles

Blanchard, Elizabeth  
DeStefano, Stephen  
Greco, Vincent  
Reardon, Tara  
Webb, Leigh

Brown, Carole  
Ehlers, Eileen  
Kjellman, Eleanor Glynn  
Ryan, Jim  
Wheeler, Deborah

Brueggemann, Donald  
Foose, Robert  
Osborne, Jessie  
Tilton, Joy  
Williams, Robert

**ROCKINGHAM**

Borden, David  
Flockhart, Eileen  
Kepner, Susan  
McKenna, Daniel  
Preston, Mark  
Splaine, James

Brown, C. Pennington  
Grote, Otto  
Lister, Charlotte  
Moody, Marcia  
Robertson, Carl

Casey, Kimberley  
Henson, John  
Marsh, Michael  
Nord, Susi  
Russell, Trinka

Day, Judith  
Howard, Doreen  
McCarthy, Linda  
Powers, James  
Snow, Richard

**STRAFFORD**

Billian, Deborah  
Cyr, James  
Knowles, William  
Rous, Emma  
Wall, Janet

Brown, Jennifer  
DeChane, Marlene  
Mickelonis, Shawn  
Schmidt, Peter  
Warren, Nancy

Brown, Larry  
Fargo, Thomas  
Perry, Robert  
Smith, Marjorie

Burke, Rachel  
Grassie, Anne  
Rollo, Deanna  
Spang, Judith

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne

Donovan, Thomas  
Houde, Matthew

Franklin, Peter  
Jillette, Arthur Jr

and floor amendment (1632h) failed.

The question now being adoption of the majority committee report of Ought to Pass.

Rep. Crane spoke against and yielded to questions.

Rep. Dunn spoke in favor.

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Coughlin moved that the House reconsider its action whereby it failed to adopt Floor Amendment (1632h) to **SB 18-FN**, raising the age of required attendance of children in school.

Rep. Rous spoke against and yielded to questions.

Rep. Hunt spoke in favor.

Rep. Belanger requested a roll call; sufficiently seconded.

**YEAS 171 NAYS 182****YEAS 171****BELKNAP**

Allen, Janet  
Flanders, Donald  
Pilliod, James  
Tobin, William

Arsenault, Beth  
Heald, Bruce  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Millham, Alida  
Thomas, John  
Whalley, Michael

Clark, Charles  
Nedeau, Stephen  
Tilton, Franklin

**CARROLL**

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Merrow, Harry

Denley, William  
Patten, Betsey

**CHESHIRE**

Butcher, Suzanne  
Johnson, Jane

Butynski, William  
Parkhurst, Henry

Emerson, Susan  
Pelkey, Stephen

Hunt, John

**COOS**

King, Frederick

Tholl, John Jr

**GRAFTON**

Andersen, Gene  
Ingbreton, Paul

Dingman, Vernon III  
Solomon, Peter

Eaton, Stephanie  
Sorg, Gregory

Gionet, Edmond  
Williams, Burton

**HILLSBOROUGH**

Baroody, Benjamin  
 Bergin, Peter  
 Coughlin, Pamela  
 Dokmo, Cynthia  
 Fletcher, Richard  
 Hansen, Ryan  
 Holden, Randolph  
 L'Heureux, Robert  
 McRae, Karen  
 Ober, Lynne  
 Renzullo, Andrew  
 Soucy, Connie  
 Sullivan, Francis  
 Velez, Hector

Barry, Richard  
 Christensen, Chris  
 Crane, Elenore Casey  
 Drisko, Richard  
 Francoeur, Bea  
 Hawkins, Ken  
 Infantine, William  
 Lawrence, James  
 Messier, Irene  
 Ober, Russell III  
 Rowe, Robert  
 Spaulding, Jayne  
 Tahir, Saghir  
 Villeneuve, Maurice

Batula, Peter  
 Christiansen, Lars  
 Daniels, Gary  
 Elliott, Nancy  
 Graham, John  
 Hinkle, Peyton  
 Jasper, Shawn  
 Levasseur, Nickolas  
 Mooney, Maureen  
 Peterson, Andy  
 Shaw, Kimberly  
 Spratt, Stephen  
 Ulery, Jordan  
 Winters, Joel

Bergeron, Jean-Guy  
 Clark, Mark  
 Day, Russell  
 Emerton, Larry  
 Haefner, Robert  
 Hogan, Edith  
 Kurk, Neal  
 Manney, Pamela  
 O'Connell, Timothy  
 Price, Pamela  
 Smith, David  
 Stepanek, Stephen  
 Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
 Kidder, David  
 Reed, Dennis

Hager, Elizabeth  
 Lockwood, Priscilla  
 Richardson, Gary

Hess, David  
 MacKay, James  
 Shurtleff, Stephen

Humphries, Charlie  
 Owen, Derek

**ROCKINGHAM**

Allen, Mary  
 Bettencourt, David  
 Camm, Kevin  
 Dalrymple, David  
 Emiro, Frank  
 Garrity, James  
 Guthrie, Joseph  
 Ingram, Russell  
 Kappler, Lawrence  
 Lund, Howie  
 Pearson, Mark  
 Rausch, James  
 Stiles, Nancy  
 Wells, Roger

Baldasaro, Alfred  
 Bishop, Franklin  
 Carson, Sharon  
 Devine, James  
 Fesh, Bob  
 Gleason, John  
 Headd, James  
 Introne, Robert  
 Katsakiores, George  
 McMahon, Charles  
 Priestley, Anne  
 Reagan, John  
 Waterhouse, Kevin  
 Weyler, Kenneth

Bedrick, Jason  
 Buxton, Donald  
 Case, Frank  
 DiFruscia, Anthony  
 Flanders, John Sr  
 Gould, Kenneth  
 Hopfgarten, Paul  
 Itse, Daniel  
 Katsakiores, Phyllis  
 Moore, Benjamin  
 Quandt, Marshall  
 Robertson, Carl  
 Weare, Everett  
 Wickson, Rick

Belanger, Ronald  
 Cali-Pitts, Jacqueline  
 Charron, Gene  
 Elliott, Robert  
 Garcia, Marilinda  
 Griffin, Mary  
 Hutchinson, Karen  
 Johnson, Robert  
 Kelley, Jane  
 Packard, Sherman  
 Quandt, Matthew  
 Sanders, Elisabeth  
 Welch, David  
 Winchell, George

**STRAFFORD**

Brennan, William  
 Watson, Robert

Brown, Julie

Goodwin, Earle

Sprague, Dale

**SULLIVAN**

Ferland, Brenda

Rodeschin, Beverly

Skinder, Carla

**NAYS 182****BELKNAP**

Morrison, Gail

Reever, Judith

Wood, Jane

**CARROLL**

Bridgham, Robert  
 Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
 Dunn, J. Timothy  
 Loll, Thomas  
 Roberts, Kris  
 Weed, Charles

Burridge, Delmar  
 Eaton, Daniel  
 Mitchell, Bonnie  
 Robertson, Timothy

Butterworth, Timothy  
 Espiefs, Peter  
 Plifka, Stanley Jr  
 Sad, Tara

Chase, William  
 Lerandeau, Alfred  
 Richardson, Barbara  
 Weber, Lucy

**COOS**

Hatch, William  
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

Remick, William

**GRAFTON**

Aguiar, James  
Estes, Carole  
Laliberte, Suzanne  
Nordgren, Sharon

Almy, Susan  
Friedrich, Carol  
Lovett, Sid  
Pierce, David

Benn, Bernard  
Hammond, Lee  
Matheson, Robert  
Preston, Philip

Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine

**HILLSBOROUGH**

Beaulieu, Jane  
Clemons, Jane  
Edwards, Andrew  
Foster, Linda  
Gorman, Mary  
Hammond, Jill  
Jean, Claudette  
Lasky, Bette  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
Pilotte, Maurice  
Shattuck, Gilman  
Sullivan, Daniel

Beck, Catriona  
Cote, David  
Essex, David  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Judy, Jean  
Leishman, Peter  
Long, Patrick  
Mesa, Lily  
Reuschel, Michael  
Shaw, Barbara  
Sysyn, Mary

Brunelle, Michael  
Cote, Peter  
Fontas, Jeffrey  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Lessard, Rudy  
Mack, Ron  
Movsesian, Lori  
Rosenwald, Cindy  
Simon, Anthony

Campbell, David  
Daler, Jennifer  
Forest, Armand  
Goley, Jeffrey  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Levesque, Melanie  
Martineau, Jesse  
O'Neil, James  
Schulze, Joan  
Smith, Sandra

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
McMahon, Patricia  
Reardon, Tara  
Wallner, Mary  
Williams, Robert

Beauchesne, Suzanne  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Osborne, Jessie  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

Blanchard, Elizabeth  
Davis, Frank  
Foote, Robert  
Hamm, Christine  
Porter, Margaret  
Tilton, Joy  
Webb, Leigh

Brown, Carole  
DeJoie, John  
French, Barbara  
Kjellman, Eleanor Glynn  
Potter, Frances  
Tupper, Frank  
Wheeler, Deborah

**ROCKINGHAM**

Abbott, Dennis  
Day, Judith  
Howard, Doreen  
Marsh, Michael  
Moody, Marcia  
Preston, Mark

Borden, David  
Flockhart, Eileen  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Russell, Trinka

Brown, C. Pennington  
Grote, Otto  
Kepner, Susan  
McKenna, Daniel  
Nord, Susi  
Snow, Richard

Casey, Kimberley  
Henson, John  
Lister, Charlotte  
McKinney, Betsy  
Powers, James  
Splaine, James

**STRAFFORD**

Berube, Roger  
Browne, Brendon  
Fargo, Thomas  
Knowles, William  
Rollo, Michael  
Spang, Judith

Billian, Deborah  
Burke, Rachel  
Grassie, Anne  
Mickelson, Shawn  
Rous, Emma  
Wall, Janet

Brown, Jennifer  
Cyr, James  
Hilliard, Dana  
Perry, Robert  
Schmidt, Peter  
Warren, Nancy

Brown, Larry  
DeChane, Marlene  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen  
and the motion failed.

Converse, Larry  
Gottling, Suzanne  
Phinzy, James

Donovan, Thomas  
Houde, Matthew

Franklin, Peter  
Jillette, Arthur Jr

The question now being adoption of the majority committee report of Ought to Pass.  
 Rep. Winchell spoke in favor and yielded to questions.  
 Reps. Lockwood and Vaillancourt spoke against.  
 Reps. Ingbreton and Hess spoke against and yielded to questions.  
 Reps. Remick and Rous spoke in favor.  
 Rep. Renzullo requested a roll call; sufficiently seconded.

### **YEAS 183 NAYS 170**

#### **YEAS 183**

#### **BELKNAP**

Morrison, Gail	Pilliod, James	Reever, Judith	Wood, Jane
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#### **CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
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#### **CHESHIRE**

Allen, Peter	Burrige, Delmar	Butcher, Suzanne	Butterworth, Timothy
Chase, William	Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter
Lerandeau, Alfred	Loll, Thomas	Mitchell, Bonnie	Richardson, Barbara
Sad, Tara	Weber, Lucy	Weed, Charles	

#### **COOS**

Hatch, William	Merrick, Evalyn	Merrick, Scott	Remick, William
Thomas, Yvonne			

#### **GRAFTON**

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Estes, Carole	Friedrich, Carol	Hammond, Lee	Harding, A Laurie
Laliberte, Suzanne	Lovett, Sid	Matheson, Robert	Mulholland, Catherine
Nordgren, Sharon	Pierce, David	Preston, Philip	

#### **HILLSBOROUGH**

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Brunelle, Michael
Campbell, David	Clemons, Jane	Cote, David	Cote, Peter
Daler, Jennifer	Edwards, Andrew	Essex, David	Fontas, Jeffrey
Forest, Armand	Foster, Linda	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Hackel, Paul	Haley, Robert	Hall, Betty
Hammond, Jill	Harvey, Suzanne	Hebert, Roger	Irwin, Anne-Marie
Jean, Claudette	Judy, Jean	Kaelin, Michael	Lasky, Bette
Levesque, Melanie	Lisle, Carolyn	Long, Patrick	Mack, Ron
Martineau, Jesse	Matarazzo, Anthony Sr	Mesa, Lily	Movsesian, Lori
O'Neil, James	Peterson, Andy	Pilotte, Maurice	Reuschel, Michael
Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Simon, Anthony	Smith, Sandra	Sullivan, Daniel	Sysyn, Mary
Velez, Hector			

#### **MERRIMACK**

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Brueggemann, Donald
Clarke, Claire	Davis, Frank	DeJoie, John	DeStefano, Stephen
Ehlers, Eileen	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Kjellman, Eleanor Glynn
McMahon, Patricia	Osborne, Jessie	Porter, Margaret	Potter, Frances
Reardon, Tara	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary	Walz, Mary	Webb, Leigh
Wheeler, Deborah	Williams, Robert	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline
Casey, Kimberley	Day, Judith	Devine, James	Flockhart, Eileen
Grote, Otto	Henson, John	Howard, Doreen	Kennedy, James
Kepner, Susan	Marsh, Michael	McCarthy, Linda	McKenna, Daniel
Moody, Marcia	Nord, Susi	Pearson, Mark	Powers, James
Robertson, Carl	Russell, Trinka	Snow, Richard	Splaine, James
Stiles, Nancy	Winchell, George		

**STRAFFORD**

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Julie
Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
DeChane, Marlene	Fargo, Thomas	Goodwin, Earle	Grassie, Anne
Hilliard, Dana	Kaen, Naida	Knowles, William	Mickelonis, Shawn
Perry, Robert	Rollo, Deanna	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Sprague, Dale
Wall, Janet	Warren, Nancy		

**SULLIVAN**

Cloutier, John	Donovan, Thomas	Franklin, Peter	Gottling, Suzanne
Houde, Matthew	Jillette, Arthur Jr	Nielsen, Ellen	Phinizy, James

**NAYS 170****BELKNAP**

Allen, Janet	Arsenault, Beth	Boyce, Laurie	Clark, Charles
Flanders, Donald	Heald, Bruce	Millham, Alida	Neddeau, Stephen
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Heard, Virginia	Knox, J. David	Martin, James	Morrow, Harry
Patten, Betsey	Stevens, Stanley		

**CHESHIRE**

Butynski, William	Emerson, Susan	Hunt, John	Johnson, Jane
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Roberts, Kris
Robertson, Timothy			

**COOS**

King, Frederick	Theberge, Robert	Tholl, John Jr
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**GRAFTON**

Andersen, Gene	Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul	Solomon, Peter	Sorg, Gregory	Williams, Burton

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Emerton, Larry	Fletcher, Richard
Francoeur, Bea	Gorman, Mary	Graham, John	Haefner, Robert
Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton	Hogan, Edith
Holden, Randolph	Infantine, William	Jasper, Shawn	Kelley, John
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Leishman, Peter
Lessard, Rudy	Levasseur, Nickolas	Manney, Pamela	McRae, Karen
Messier, Irene	Mooney, Maureen	O'Connell, Timothy	Ober, Lynne

Ober, Russell III  
Shaw, Kimberly  
Spratt, Stephen  
Ulery, Jordan

Price, Pamela  
Smith, David  
Stepanek, Stephen  
Vaillancourt, Steve

Renzullo, Andrew  
Soucy, Connie  
Sullivan, Francis  
Villeneuve, Maurice

Rowe, Robert  
Spaulding, Jayne  
Tahir, Saghir  
Winters, Joel

### MERRIMACK

Anderson, Eric  
Kidder, David  
Reed, Dennis

Brown, Carole  
Lockwood, Priscilla  
Richardson, Gary

Hess, David  
MacKay, James

Humphries, Charlie  
Owen, Derek

### ROCKINGHAM

Allen, Mary  
Bettencourt, David  
Carson, Sharon  
DiFruscia, Anthony  
Flanders, John Sr  
Gould, Kenneth  
Hopfgarten, Paul  
Itse, Daniel  
Katsakiores, Phyllis  
McKinney, Betsy  
Packard, Sherman  
Quandt, Matthew  
Waterhouse, Kevin  
Weyler, Kenneth

Baldasaro, Alfred  
Bishop, Franklin  
Case, Frank  
Elliott, Robert  
Garcia, Marilinda  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Robert  
Kelley, Jane  
McMahon, Charles  
Preston, Mark  
Rausch, James  
Weare, Everett  
Wickson, Rick

Bedrick, Jason  
Buxton, Donald  
Charron, Gene  
Emiro, Frank  
Garritty, James  
Guthrie, Joseph  
Ingram, Russell  
Kappler, Lawrence  
Lister, Charlotte  
Moore, Benjamin  
Priestley, Anne  
Reagan, John  
Welch, David

Belanger, Ronald  
Camm, Kevin  
Dalrymple, David  
Fesh, Bob  
Gleason, John  
Headd, James  
Introne, Robert  
Katsakiores, George  
Lund, Howie  
Moore, Bennett  
Quandt, Marshall  
Sanders, Elisabeth  
Wells, Roger

### STRAFFORD

Watson, Robert

### SULLIVAN

Converse, Larry  
Skinder, Carla

Ferland, Brenda

Gagnon, Raymond

Rodeschin, Beverly

and the majority committee report was adopted.  
Referred to the Committee on Finance.

**SB 82-FN**, reorganizing the administration and governance of the regional community-technical college system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T. Reeve for Education: This bill grants the New Hampshire Community Technical College System the same legal status as that of the University System of New Hampshire, responsible to the people through the governance of its board of trustees. This status would allow the NHCTCS to conduct its business, manage its facilities, and perform its functions under the management of its administration and with the policy direction and oversight of its board. It requires the continuance of biennium reporting of operating and capital appropriations to support students and the colleges. The amendment addresses terminology changes, places limits on administrative expenses, and establishes a one-year legislative transition oversight committee. Vote 17-0.

### Amendment (1566h)

Amend RSA 188-F:7, III as inserted by section 2 of the bill by replacing it with the following:

III. Service as an employee of the community college system of New Hampshire shall be creditable service for purposes of RSA 100-A, RSA 21-I:29, RSA 21-I:30, RSA 21-I:30-a, RSA 21-I:30-b, and RSA 21-I:30-c. Any community college system of New Hampshire employee who transfers, without a break in service, to a state classified or unclassified service position shall retain and transfer all leave accruals and seniority and be entitled to all the rights and benefits of a permanent employee in the classified or unclassified service of the state based on the years of creditable state service. At the time of such a transfer, the employee shall immediately begin to accrue annual and sick leave as granted at the time of the transfer by the receiving agency according to the employee's continuous years worked. Any state employee in a classified

or unclassified service position who transfers, without a break in service, to the community college system of New Hampshire shall retain and transfer all leave accruals and seniority and be entitled to all the rights and benefits of a permanent employee in the classified or unclassified service of the state based on the years of creditable state service. At the time of such a transfer, the employee shall immediately begin to accrue annual and sick leave as granted at the time of the transfer by the receiving agency according to the employee's continuous years worked.

Amend RSA 188-F:11 as inserted by section 2 of the bill by replacing it with the following:

188-F:11 Report.

I. The chancellor and the chairman of the board of trustees of the community college system of New Hampshire shall issue a joint report annually which shall include detail on the proposed use and distribution of federal vocational and financial aid funds, ongoing upgrades to the information technology systems used by the community college system of New Hampshire, and the overall operation of the community college system of New Hampshire including financial status, enrollment data and program administration. Such report shall be completed by October 15 of each year. A copy of this report shall be delivered to the chairs of the house education committee, and senate education committee, the speaker of the house, president of the senate, the governor, the senate clerk, the house clerk, and the state library.

II. Each year the chancellor of the community college system of New Hampshire, as well as one representative from the board of trustees, and the president of each institution shall appear before the house finance committee and the senate finance committee to review the department's programs, cost analysis, revenue projections and any other information detailed in the written report. Amend RSA 188-F as inserted by section 2 of the bill by inserting after RSA 188-F:21 the following new RSA section:

188-F:21-a Use of State Funds Limited. Expenditures for administrative expenses of the community college system of New Hampshire, including personnel, shall not exceed 10 percent of any state funds appropriated to the community college system of New Hampshire in the fiscal year. For the purposes of this section, any federal funds received by the state on behalf of the community college system of New Hampshire shall not be considered state funds.

Amend the bill by deleting section 4 and renumbering the original sections 5-46 to read as 4-45, respectively.

Amend RSA 188-F:25 as inserted by section 22 of the bill by replacing it with the following:

188-F:25 Agency Attached. The police standards and training council is ~~[transferred to the department of regional community technical colleges and is administratively attached to that department]~~ ***an executive branch council and is not a body corporate and politic. The police standards and training council shall be administratively attached to the community college system of New Hampshire subject to the same provisions prescribed by RSA 21-G:10. The police standards and training council and the director and employees hired by the director performing the functions required by RSA 188-F:22 through RSA 188F:32-d shall be subject to RSA 7:8, RSA 541-B:1, and RSA 99-D:1, and shall be subject to attorney general review of contracts subject to governor and council review.***

Amend the bill by replacing all after section 44 with the following:

45 New Hampshire Retirement System; Definitions. Amend RSA 100-A:1, IV to read as follows:

IV. "Employer" shall mean (a) the state or any department, commission, institution, or agency of the state government by which an employee is paid through the office of the state treasurer with respect to their employees, (b) the state, the local school district, or other employers of teachers eligible for membership in the system with respect to the teachers in their employ, (c) any police department or police force of the state, or of any county, city, town, village, or precinct in the state with respect to the permanent policemen in their employ, (d) any fire department of the state, or of any county, city, town, village, or precinct in the state with respect to the permanent firemen in their employ, ~~[and]~~ (e) any political subdivision that has elected to participate under RSA 100-A:20; provided, however, that in no instance shall any employer contribute or participate in the retirement system unless by a reasonable determination of the board of trustees such employer qualifies as a governmental entity, political subdivision, agency, or instrumentality eligible to participate in the retirement system as a governmental plan within the meaning of section 414(d) of the United States Internal Revenue Code of 1986, as amended, ***and (f) the community college system of New Hampshire.***



46 Community College System Legislative Oversight Committee Established; Effective July 1, 2009.

I. There is established a community college system legislative oversight committee to study the efficacy of the transition of the community college system's academic programs, financial management, and administrative operations from state agency to self-governing entity.

II. Membership and Compensation. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. Duties. The committee shall study:

(a) The efficacy of the transition of the community college system's academic programs, financial management, and administrative operations from state agency to self-governing entity.

(b) The changes in student enrollment, categorized by academic area.

(c) Financial and budgeting practices employed by the community college system of New Hampshire, including the change in administrative overhead expenses and the ability to keep tuition affordable for students.

(d) The amount of state funds requested by the community college system of New Hampshire.

(e) Any other issue concerning the operation or administration of the community college system of New Hampshire deemed relevant to the committee. The committee may solicit input from any individual or organization with relevant information or expertise.

V. Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

VI. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate education committees, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2009. If the committee concludes there are substantial concerns with the operation or administration of the community college system of New Hampshire, the committee shall include in its report detailed proposed legislation to remedy such concerns, including, if appropriate, additional legislative oversight and continued partnership with the state on certain duties and functions, or legislation necessary to return the community college system of New Hampshire to state agency status.

47 Effective Date.

I. Paragraphs I-III of section 44 of this act shall take effect July 1, 2009.

II. Section 46 of this act shall take effect November 1, 2008.

III. The remainder of this act shall take effect upon its passage.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

Rep. Carson declared a conflict of interest on **SB 82-FN** and did not participate.

**SB 101**, relative to payment of costs for certain students attending alternative education programs. **OUGHT TO PASS.**

Rep. Nancy F. Stiles for Education: This bill provides an additional opportunity for every student in New Hampshire who may be at risk of dropping out of school to access alternative education programming at a regional vocational education center or associated high school, regardless of where they live. School districts will receive reimbursements for the transportation and tuition for these identified "at risk" students. Expenses will come from the Department of Education's current budget. Programming will be developed during FY 2007-2008 to accommodate these needs and students can begin access as early as 2008. Vote 12-2.

Rep. Rous yielded to questions.

Committee report adopted.

Referred to the Committee on Finance.

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Daniel Eaton moved that the House reconsider its action whereby it adopted the majority committee report of Ought to Pass on **SB 18**, raising the age of required attendance of children in school.

Rep. Daniel Eaton spoke against.

Reps. Vaillancourt and Hess spoke in favor.

Rep. Berube requested a roll call; sufficiently seconded.

**YEAS 150 NAYS 193****YEAS 150****BELKNAP**

Allen, Janet	Boyce, Laurie	Flanders, Donald	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael

**CARROLL**

Brown, Carolyn	Chandler, Gene	Denley, William	Heard, Virginia
Knox, J. David	Martin, James	Morrow, Harry	Patten, Betsey
Stevens, Stanley			

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Parkhurst, Henry
Pelkey, Stephen			

**COOS**

King, Frederick	Theberge, Robert	Tholl, John Jr
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**GRAFTON**

Andersen, Gene	Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul	Solomon, Peter	Sorg, Gregory	Williams, Burton

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Daler, Jennifer	Daniels, Gary	Day, Russell
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Fletcher, Richard	Francoeur, Bea	Gorman, Mary	Graham, John
Haefner, Robert	Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton
Hogan, Edith	Holden, Randolph	Infantine, William	Jasper, Shawn
Kelley, John	Kurk, Neal	Manney, Pamela	McRae, Karen
Messier, Irene	Mooney, Maureen	O'Connell, Timothy	Ober, Lynne
Ober, Russell III	Price, Pamela	Renzullo, Andrew	Rowe, Robert
Shaw, Kimberly	Smith, David	Soucy, Connie	Spaulding, Jayne
Spratt, Stephen	Stepanek, Stephen	Sullivan, Francis	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice
Winters, Joel			

**MERRIMACK**

Anderson, Eric	Hess, David	Humphries, Charlie	Kidder, David
Lockwood, Priscilla	MacKay, James	Owen, Derek	

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Camm, Kevin	Carson, Sharon	Case, Frank	Charron, Gene
Dalrymple, David	DiFruscia, Anthony	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Garcia, Marilinda	Garrity, James

Gleason, John  
Hopfgarten, Paul  
Itse, Daniel  
Katsakiores, Phyllis  
McMahon, Charles  
Pearson, Mark  
Sanders, Elisabeth  
Wells, Roger

Gould, Kenneth  
Hutchinson, Karen  
Johnson, Robert  
Kelley, Jane  
Moore, Benjamin  
Quandt, Matthew  
Waterhouse, Kevin  
Weyler, Kenneth

Guthrie, Joseph  
Ingram, Russell  
Kappler, Lawrence  
Lund, Howie  
Moore, Bennett  
Rausch, James  
Weare, Everett  
Wickson, Rick

Headd, James  
Introne, Robert  
Katsakiores, George  
McKinney, Betsy  
Packard, Sherman  
Reagan, John  
Welch, David  
Winchell, George

### **STRAFFORD**

Brown, Julie

Sprague, Dale

Watson, Robert

### **SULLIVAN**

Ferland, Brenda

Rodeschin, Beverly

### **NAYS 193**

### **BELKNAP**

Arsenault, Beth  
Wood, Jane

Morrison, Gail

Pilliod, James

Reever, Judith

### **CARROLL**

Ahlgren, Christopher  
Cunningham, Howard

Bridgham, Robert

Buco, Thomas

Butler, Edward

### **CHESHIRE**

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Robertson, Timothy

Butynski, William  
Espieffs, Peter  
Plifka, Stanley Jr  
Sad, Tara

### **COOS**

Hatch, William  
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

Remick, William

### **GRAFTON**

Aguiar, James  
Estes, Carole  
Laliberte, Suzanne  
Nordgren, Sharon

Almy, Susan  
Friedrich, Carol  
Lovett, Sid  
Pierce, David

Benn, Bernard  
Hammond, Lee  
Matheson, Robert  
Preston, Philip

Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine

### **HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Edwards, Andrew  
Foster, Linda  
Hackel, Paul  
Harvey, Suzanne  
Judy, Jean  
Lessard, Rudy  
Long, Patrick  
Mesa, Lily  
Pilotte, Maurice  
Shattuck, Gilman  
Sullivan, Daniel

Beaulieu, Jane  
Clemons, Jane  
Essex, David  
Garrity, Patrick  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Levasseur, Nickolas  
Mack, Ron  
Movsesian, Lori  
Reuschel, Michael  
Shaw, Barbara  
Sysyn, Mary

Beck, Catriona  
Cote, David  
Fontas, Jeffrey  
Ginsburg, Ruth  
Hall, Betty  
Irwin, Anne-Marie  
Lasky, Bette  
Levesque, Melanie  
Martineau, Jesse  
O'Neil, James  
Rosenwald, Cindy  
Simon, Anthony

Brunelle, Michael  
Cote, Peter  
Forest, Armand  
Goley, Jeffrey  
Hammond, Jill  
Jean, Claudette  
Leishman, Peter  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
Peterson, Andy  
Schulze, Joan  
Smith, Sandra

### **MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald

Beauchesne, Suzanne  
Clarke, Claire

Blanchard, Elizabeth  
Davis, Frank

Brown, Carole  
DeJoie, John

DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Ehlers, Eileen  
Greco, Vincent  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Foose, Robert  
Hager, Elizabeth  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

French, Barbara  
Hamm, Christine  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Kennedy, James  
McCarthy, Linda  
Powers, James  
Snow, Richard

Borden, David  
Casey, Kimberley  
Grote, Otto  
Kepner, Susan  
McKenna, Daniel  
Preston, Mark  
Splaine, James

Brown, C. Pennington  
Day, Judith  
Henson, John  
Lister, Charlotte  
Moody, Marcia  
Robertson, Carl  
Stiles, Nancy

Buxton, Donald  
Devine, James  
Howard, Doreen  
Marsh, Michael  
Nord, Susi  
Russell, Trinka

### STRAFFORD

Berube, Roger  
Browne, Brendon  
Fargo, Thomas  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie

Billian, Deborah  
Burke, Rachel  
Goodwin, Earle  
Knowles, William  
Rollo, Michael  
Spang, Judith

Brennan, William  
Cyr, James  
Grassie, Anne  
Mickelsonis, Shawn  
Rous, Emma  
Wall, Janet

Brown, Larry  
DeChane, Marlene  
Hilliard, Dana  
Perry, Robert  
Schmidt, Peter  
Warren, Nancy

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen  
and the motion failed.

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

The House recessed at 1:00 p.m.

### RECESS

#### (Speaker Norelli in the Chair)

The House reconvened at 2:00 p.m.

### REGULAR CALENDAR (CONT'D)

**SB 235-FN-A**, relative to milk support for dairy farmers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard H. Snow for the Majority of Environment and Agriculture: This bill is the second and third leg of the milking stool that will help keep New Hampshire's dairy farms viable and also help preserve the open spaces they protect. It is the second stage of a multi-part program designed to ensure that New Hampshire agriculture stays viable and strong. This legislation accomplishes two significant, long term objectives. The first objective is to provide our dairy farmers with a subsidy when national milk prices, which are set by a federal milk pricing order, fall below a target price equivalent to the cost of producing the milk. Milk pricing has been regulated by the federal government since 1937. It is one of our country's most highly regulated commodities. Our subsidy will allow our dairy farmers to remain competitive with other milk-producing regions that have lower costs. The bill establishes an independent board to regularly monitor and adjust the target price level and to consider any other cost or price factors that might affect the price of fluid milk. The bill is also intended to help insulate our dairy farms from predatory pricing and New Hampshire from a total reliance on imports from the western states, where there is a continued concentration and industrialization of the nation's dairy supply. (Depending on imported food and feed from developing countries that are not subject to the same safety and quality standards we observe also raises concerns). Recent headlines about compromised food quality, feed supply and safety have raised consumer awareness of the value of a healthy, local food production and supply sys-

tem. We have an opportunity now to help prevent further losses of our capacity to produce fresh, local milk. (Currently about 134 NH dairy farms produce over 34 million gallons of fresh milk annually, enough to supply over twenty-five gallons for every man, woman and child in New Hampshire). The second objective is to provide a stable source of funding for the purchase of Agricultural Land Development Rights, a program established by this legislature in 1985, by establishing a two and one half cent fee (only 62.5 cents per person per annum) on every gallon of milk sold at the local retail level. Keeping agricultural land open provides significant, tangential benefits to our state. New Hampshire's dairy industry is responsible for over 85,000 acres of open space supporting hunting, fishing, snowmobiling and other recreational activities, fundamental to the state's revenue stream. Purchasing the development rights to agricultural land helps preserve them. A dedicated fund was established in 1985 to do that, but no regular, reliable source of money has been available for the fund for a number of years. This bill will provide that funding source. The committee has worked diligently with the sponsors of the bill, members of the farm business community, conservation advocates, and those citizens of NH who want to preserve the New Hampshire way of life, in order to come up with legislation that will satisfy the diverse requirements of an interstate milk production system that is regulated at the federal level and subject to interstate commerce. The majority of our committee respectfully request that you support this joint effort. Vote 16-1. Rep. Steve Vaillancourt for the Minority of Environment and Agriculture: This bill creates a new sales tax. It creates a "fee" for each gallon of milk sold in New Hampshire and dedicates it for "the acquisition of agricultural land development rights." A tax is a tax, no matter how one labels it. A dedicated fund is a dedicated fund, no matter how one labels it. If a person does not report on how much he or she sells in three months and enclose the appropriate tax, a 10% penalty will be added. Where does this end? The majority of people in this Legislature ran on a platform opposed to a sales tax, but it doesn't count when it applies to milk. This bill is a bail out that will hurt business and our consumers.

### **Majority Amendment (1516h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a milk producers emergency relief fund, assessing dairy processors a fee per gallon of milk sold in New Hampshire, and using the proceeds for the acquisition of agricultural land development rights.

Amend all after the enacting clause by replacing it with the following:

1 New Subdivision; Milk Producers Emergency Relief Fund. Amend RSA 184 by inserting after section 105 the following new subdivision:

Milk Producers Emergency Relief Fund

184:106 Definitions. In this subdivision:

I. "Annual production" means the total quantity of milk produced in a 12-month period beginning June 1 and ending May 31 of the next calendar year. Total quantity is expressed in hundredweight.

II. "Base price" means the price of milk calculated each month by adding to the Boston Blend Price the amount per hundredweight received by milk producers as a monthly payment from the federal government due to low milk prices.

III. "Boston Blend Price" means the Suffolk County, Massachusetts statistical uniform price of milk as determined for each month by the Northeast Market Administrator of the United States Department of Agriculture and expressed per hundredweight of milk.

IV. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

V. "Department" means the department of agriculture, markets, and food.

VI. "Milk producer" means "milk producer" as defined in RSA 184:79, IX, except that governmental or institutional entities shall be excluded.

VII. "Target price" means the short-run break-even point for annual production. Target price shall be determined in accordance with RSA 184:108.

184:107 Milk Producers Emergency Relief Fund Established.

I. There is established a milk producers emergency relief fund in the office of the state treasurer. This fund shall be administered by the commissioner who shall deposit into the fund any appropriations made to the department from the general fund to be used consistent with the definitions and provisions of this subdivision, to reimburse New Hampshire producers of raw milk when the base price of milk falls below the target price. The fund shall be non-lapsing and shall be continually appropriated to the department. The treasurer may invest the proceeds of the fund as provided by law and any income earned on such investment shall be credited to the fund.

II. Beginning with the month of July in 2008, for each month that the base price is below the target price, each participating milk producer in the state shall receive an amount of money equal to the month's production in hundredweight multiplied by the difference between the target price and the base price for the month. The commissioner shall make payment from the fund on a quarterly basis after all information necessary to compute payment amounts is available for the applicable prior 3 month period.

III. In the event there is an insufficient balance in the fund to make full payment to all producers, the commissioner shall prorate payments to each producer to the extent funds are available. Any amount not paid to a producer shall be carried forward and later paid should sufficient funds become available.

184:108 Target Price. The target price for New Hampshire milk producers shall be \$16.94 per hundredweight and shall be adjusted as provided in RSA 184:110, II.

184:109 Milk Producers Emergency Relief Fund Board Established; Membership.

I. There is established the milk producers emergency relief fund board, to be composed of the following members:

(a) The commissioner.

(b) Four members appointed by the governor, who shall have no official business or professional connection or relation with any segment of the dairy industry.

(c) One member of the house of representatives who shall be a member of the house environment and agriculture committee, appointed by the speaker.

(d) One member of the senate, appointed by the senate president.

II. The board shall select a chairperson from among its members at its organizational meeting.

III. The board members shall serve without compensation, except that while attending to the duties of the board, the legislative members shall be reimbursed for mileage at the legislative rate and the non-legislative members shall be reimbursed for mileage at the state employee rate.

IV. Any member of the board having an individual interest, or an interest in another business, which may conflict with an issue under consideration by the board, shall not participate in any deliberations or vote of the board on the issue before the board.

V. The initial terms of the board members under subparagraph I(b) shall expire on January 1, 2010. New board members appointed under subparagraph I(b) shall have 4-year terms. Legislative members shall serve terms coterminous with their legislative terms. Upon term expiration, each appointed member shall hold office until a successor is appointed. Board members may be reappointed to subsequent terms, including those members whose terms expire as of January 1, 2010. Should a board member under subparagraph I(b) not fill out a term for any reason, a successor shall be appointed by the governor for the remainder of that term.

184:110 Board Powers and Duties.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Developing eligibility criteria for obtaining relief from the milk producers emergency relief fund.

(b) Procedures for processing applications for compensation from the milk producers emergency relief fund and verifying claims.

(c) Procedures for calculating payments to milk producers.

II. The board shall review, and adjust as necessary, the target price at any time, but shall do so at least semi-annually by October 1 and April 1 of each year. The first such review and adjustment of the target price shall be completed no later than April 1, 2008. The board shall hold at least one public hearing prior to each adjustment of the target price. Adjustment of the target price shall be exempt from rulemaking under RSA 541-A.

III. The board shall submit to the governor, the speaker of the house of representatives and the president of the senate a report, no later than October 1 of each year, on the status of the emergency milk producers relief fund, including the state of the milk industry. The report in even-numbered years shall include a request for any necessary appropriation in the next biennium from the general fund. Any appropriations to the board shall be included in the department's operating budget for each biennium. The first such report shall be submitted no later than October 1, 2008.

IV. The board, with approval of the governor and council, may employ, using fund moneys, legal counsel as necessary to perform its duties in administering the emergency milk producers relief fund.

V. The board may request that the attorney general issue subpoenas, examine witnesses, or request any other information on behalf of the board for the purposes of determining eligibility for compensation under this subdivision.

2 New Section; Acquisition of Agricultural Land Development Rights. Amend RSA 432 by inserting after section 31-a the following new section:

432:31-b Milk Distribution Fee and Payment.

I. Milk plants, milk distributors, or producer-distributors licensed under RSA 184:84 shall be assessed a fee of \$0.025 per gallon of milk sold or transferred for retail sale in this state. All fees shall be deposited in the separate account established in RSA 432:30 for the acquisition of agricultural land development rights and shall be non-lapsing.

II. The fee shall be collected by the department of agriculture, markets and food. Each entity subject to the fee shall, on or before the twentieth day of July, October, January, and April, submit a return to the department on forms prescribed and furnished by the commissioner. The return shall report the total number of gallons sold or transferred for retail sale in the state during the previous 3 calendar months along with such other information as the department may require for accurate collection of the fee. The return shall also include payment of the fee based on the number of gallons reported. The first return shall be filed no later than October 20, 2007.

III. Failure to file by the required date or to enclose fees due shall result in the assessment of a 10 percent penalty to be added to the amount of fees due for the quarterly return. Said penalty shall immediately accrue and thereafter the overdue fees and the penalty shall bear interest at the annual rate of 12 percent.

IV. No entity subject to this fee shall sell or transfer for retail sale milk in this state without paying the fee when due.

V. The commissioner shall adopt rules under RSA 541-A relative to the process for collecting the fee and identifying those entities liable for payment of the fee.

VI. Any person who violates this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

3 Reference Change. Amend RSA 432:30, I to read as follows:

I. The state treasurer shall establish a separate account to which shall be credited all funds appropriated or acquired to fund the acquisition of development rights in accordance with ~~[RSA 432:17-31-a]~~ **RSA 432:17 – 31-b**. This shall be a non-lapsing account, and funds in said account are hereby appropriated for the purposes of this subdivision.

4 Minimum Prices. Amend RSA 434:56 to read as follows:

**RSA 434:56** Establishment of Minimum Producer Dairy Prices. *Notwithstanding the provisions of RSA 184:106-110*, the commissioner, after consulting with the ~~[agricultural advisory]~~ **milk producers emergency relief fund** board, may establish by order an equitable minimum price to be paid to ~~[dairy]~~ **milk** producers for raw milk produced in New Hampshire on the basis of the use thereof in the various classes, grades and forms. The commissioner, after consulting with the ~~[agricultural advisory]~~ board, may from time to time make, amend or rescind an order if the commissioner finds that the federal milk marketing order covering New Hampshire is adequate or inadequate as the case may be to ensure a stable raw milk production and distribution system in the state. ~~[In no case shall the commissioner establish by order a price greater than the average price established for comparable classes, grades and forms of raw milk in the contiguous states.]~~

5 New Subparagraph; Application of Receipts; Emergency Milk Producers Relief Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the emergency milk producers relief fund established under RSA 184:107.

6 Effective Date. This act shall take effect July 1, 2007.

#### AMENDED ANALYSIS

This bill:

I. Establishes a milk producers emergency relief fund.

II. Assesses dairy processors a fee per gallon of milk sold in New Hampshire.

III. Uses the proceeds for the acquisition of agricultural land and development rights.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Vaillancourt spoke against and yielded to questions.

Reps. Snow and Phinzy spoke in favor and yielded to questions.

**MOTION TO DIVIDE**

Rep. Vaillancourt moved that Section 1 of the bill be divided from Sections 2 and 3.  
The Speaker ruled that the bill was divisible.

The question now being adoption of the motion to divide the bill.

Rep. Phinizy spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Owen requested a roll call; sufficiently seconded.

**YEAS 124 NAYS 213****YEAS 124****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tilton, Franklin	Wendelboe, Fran
Whalley, Michael			

**CARROLL**

Brown, Carolyn	Chandler, Gene	Denley, William	Martin, James
Morrow, Harry	Stevens, Stanley		

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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**COOS**

Remick, William	Tholl, John Jr
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**GRAFTON**

Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul	Sorg, Gregory
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**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Daler, Jennifer	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Emerton, Larry	Fletcher, Richard
Francoeur, Bea	Graham, John	Haefner, Robert	Hawkins, Ken
Hinkle, Peyton	Hogan, Edith	Infantine, William	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Manney, Pamela	McRae, Karen
Mooney, Maureen	Ober, Russell III	Price, Pamela	Renzullo, Andrew
Rowe, Robert	Soucy, Connie	Spaulding, Jayne	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice

**MERRIMACK**

Anderson, Eric	Hess, David	Humphries, Charlie	MacKay, James
Reed, Dennis			

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
Elliott, Robert	Emiro, Frank	Fesh, Bob	Flanders, John Sr
Garcia, Marilinda	Garrity, James	Gleason, John	Gould, Kenneth
Griffin, Mary	Guthrie, Joseph	Headd, James	Hopfgarten, Paul
Hutchinson, Karen	Ingram, Russell	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	McKinney, Betsy	McMahon, Charles	Moore, Bennett
Packard, Sherman	Pearson, Mark	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reagan, John	Robertson, Carl
Sanders, Elisabeth	Stiles, Nancy	Weare, Everett	Welch, David
Wells, Roger	Weyler, Kenneth	Wickson, Rick	



**STRAFFORD**

Goodwin, Earle

Knowles, William

**SULLIVAN**

Rodeschin, Beverly

**NAYS 213****BELKNAP**

Morrison, Gail

Tobin, William

Wood, Jane

**CARROLL**Bridgham, Robert  
Heard, VirginiaBuco, Thomas  
Knox, J. David

Butler, Edward

Cunningham, Howard

**CHESHIRE**Allen, Peter  
Butynski, William  
Espiefs, Peter  
Parkhurst, Henry  
Robertson, TimothyBurridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Sad, TaraButcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Richardson, Barbara  
Weber, LucyButterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles**COOS**

Hatch, William

King, Frederick

Theberge, Robert

Thomas, Yvonne

**GRAFTON**Aguiar, James  
Cooney, Mary  
Hammond, Lee  
Mulholland, Catherine  
Williams, BurtonAlmy, Susan  
Dingman, Vernon III  
Laliberte, Suzanne  
Nordgren, SharonAndersen, Gene  
Estes, Carole  
Lovett, Sid  
Preston, PhilipBenn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Solomon, Peter**HILLSBOROUGH**Baroody, Benjamin  
Campbell, David  
Edwards, Andrew  
Foster, Linda  
Gorman, Mary  
Hammond, Jill  
Holden, Randolph  
Judy, Jean  
Leishman, Peter  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
O'Connell, Timothy  
Pilotte, Maurice  
Shattuck, Gilman  
Smith, David  
Sullivan, FrancisBeaulieu, Jane  
Clemons, Jane  
Essex, David  
Garrity, Patrick  
Hackel, Paul  
Hansen, Ryan  
Irwin, Anne-Marie  
Kaelin, Michael  
Lessard, Rudy  
Long, Patrick  
Mesa, Lily  
O'Neil, James  
Reuschel, Michael  
Shaw, Barbara  
Smith, Sandra  
Sysyn, MaryBeck, Catriona  
Cote, David  
Fontas, Jeffrey  
Ginsburg, Ruth  
Haley, Robert  
Harvey, Suzanne  
Jasper, Shawn  
Kelley, John  
Levasseur, Nickolas  
Mack, Ron  
Messier, Irene  
Ober, Lynne  
Rosenwald, Cindy  
Shaw, Kimberly  
Spratt, Stephen  
Winters, JoelBrunelle, Michael  
Cote, Peter  
Forest, Armand  
Goley, Jeffrey  
Hall, Betty  
Hebert, Roger  
Jean, Claudette  
Lasky, Bette  
Levesque, Melanie  
Martineau, Jesse  
Movsesian, Lori  
Peterson, Andy  
Schulze, Joan  
Simon, Anthony  
Sullivan, Daniel**MERRIMACK**Baxley, Maureen  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kidder, David  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, DeborahBeauchesne, Suzanne  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Lockwood, Priscilla  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, RobertBlanchard, Elizabeth  
Davis, Frank  
Foote, Robert  
Hager, Elizabeth  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, CharlesBrown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

**ROCKINGHAM**

Abbott, Dennis  
Casey, Kimberley  
Grote, Otto  
Kelley, Jane  
Lund, Howie  
Moody, Marcia  
Russell, Trinka  
Winchell, George

Borden, David  
Day, Judith  
Henson, John  
Kennedy, James  
Marsh, Michael  
Nord, Susi  
Snow, Richard

Brown, C. Pennington  
DiFruscia, Anthony  
Howard, Doreen  
Kepner, Susan  
McCarthy, Linda  
Powers, James  
Splaine, James

Buxton, Donald  
Flockhart, Eileen  
Johnson, Robert  
Lister, Charlotte  
McKenna, Daniel  
Preston, Mark  
Waterhouse, Kevin

**STRAFFORD**

Berube, Roger  
Brown, Larry  
DeChane, Marlene  
Mickelonis, Shawn  
Rous, Emma  
Sprague, Dale

Billian, Deborah  
Browne, Brendon  
Fargo, Thomas  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Brennan, William  
Burke, Rachel  
Hilliard, Dana  
Rollo, Deanna  
Smith, Marjorie  
Warren, Nancy

Brown, Julie  
Cyr, James  
Kaen, Naida  
Rollo, Michael  
Spang, Judith  
Watson, Robert

**SULLIVAN**

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr  
and the motion failed.

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinzy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

The question now being adoption of the majority committee report of Ought to Pass with Amendment.  
Rep. Kurk requested a roll call; sufficiently seconded.

**YEAS 207 NAYS 131****YEAS 207****BELKNAP**

Morrison, Gail

Pilliod, James

Tobin, William

Wood, Jane

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Butynski, William  
Espieffs, Peter  
Parkhurst, Henry  
Robertson, Timothy

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Sad, Tara

Butcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Richardson, Barbara  
Weber, Lucy

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

**COOS**

Hatch, William

King, Frederick

Theberge, Robert

Thomas, Yvonne

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Hammond, Lee  
Matheson, Robert  
Solomon, Peter

Almy, Susan  
Dingman, Vernon III  
Harding, A Laurie  
Mulholland, Catherine  
Williams, Burton

Andersen, Gene  
Estes, Carole  
Laliberte, Suzanne  
Nordgren, Sharon

Benn, Bernard  
Friedrich, Carol  
Lovett, Sid  
Preston, Philip

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Coughlin, Pamela

Beaulieu, Jane  
Clemons, Jane  
Daler, Jennifer

Beck, Catriona  
Cote, David  
Edwards, Andrew

Bergin, Peter  
Cote, Peter  
Essex, David

Fontas, Jeffrey  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Jeudy, Jean  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
O'Connell, Timothy  
Reuschel, Michael  
Shaw, Barbara  
Sullivan, Daniel

Forest, Armand  
Goley, Jeffrey  
Hall, Betty  
Holden, Randolph  
Kaelin, Michael  
Long, Patrick  
Mesa, Lily  
O'Neil, James  
Rosenwald, Cindy  
Shaw, Kimberly  
Sullivan, Francis

Foster, Linda  
Gorman, Mary  
Hammond, Jill  
Irwin, Anne-Marie  
Lasky, Bette  
Mack, Ron  
Messier, Irene  
Peterson, Andy  
Schulze, Joan  
Simon, Anthony  
Sysyn, Mary

Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Jean, Claudette  
Levesque, Melanie  
Martineau, Jesse  
Movsesian, Lori  
Pilotte, Maurice  
Shattuck, Gilman  
Spratt, Stephen

### MERRIMACK

Baxley, Maureen  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kidder, David  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Beauchesne, Suzanne  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Lockwood, Priscilla  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Blanchard, Elizabeth  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

### ROCKINGHAM

Abbott, Dennis  
Casey, Kimberley  
Grote, Otto  
Kelley, Jane  
McCarthy, Linda  
Powers, James  
Snow, Richard

Borden, David  
Day, Judith  
Henson, John  
Kennedy, James  
McKenna, Daniel  
Preston, Mark  
Splaine, James

Brown, C. Pennington  
DiFruscia, Anthony  
Howard, Doreen  
Kepner, Susan  
Moody, Marcia  
Robertson, Carl  
Wells, Roger

Buxton, Donald  
Flockhart, Eileen  
Johnson, Robert  
Lister, Charlotte  
Nord, Susi  
Russell, Trinkia

### STRAFFORD

Berube, Roger  
Brown, Larry  
DeChane, Marlene  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Warren, Nancy

Billian, Deborah  
Browne, Brendon  
Fargo, Thomas  
Knowles, William  
Rollo, Michael  
Spang, Judith  
Watson, Robert

Brennan, William  
Burke, Rachel  
Goodwin, Earle  
Mickelsonis, Shawn  
Rous, Emma  
Sprague, Dale

Brown, Julie  
Cyr, James  
Hilliard, Dana  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

### NAYS 131

### BELKNAP

Allen, Janet  
Heald, Bruce  
Thomas, John

Boyce, Laurie  
Millham, Alida  
Tilton, Franklin

Clark, Charles  
Nedeau, Stephen  
Wendelboe, Fran

Flanders, Donald  
Russell, David  
Whalley, Michael

### CARROLL

Brown, Carolyn  
Merrow, Harry

Chandler, Gene  
Stevens, Stanley

Denley, William

Martin, James

### CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

**COOS**

Remick, William	Tholl, John Jr
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**GRAFTON**

Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul	Sorg, Gregory
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**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Brunelle, Michael
Christensen, Chris	Christiansen, Lars	Clark, Mark	Daniels, Gary
Day, Russell	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Emerton, Larry	Fletcher, Richard	Francoeur, Bea	Graham, John
Haefner, Robert	Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton
Hogan, Edith	Infantine, William	Jasper, Shawn	Kelley, John
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Leishman, Peter
Lessard, Rudy	Levasseur, Nickolas	Manney, Pamela	McRae, Karen
Mooney, Maureen	Ober, Lynne	Ober, Russell III	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Smith, David	Smith, Sandra
Soucy, Connie	Spaulding, Jayne	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel

**MERRIMACK**

Anderson, Eric	Hess, David	Humphries, Charlie	MacKay, James
Reed, Dennis			

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Camm, Kevin	Carson, Sharon
Case, Frank	Charron, Gene	Dalrymple, David	Devine, James
Elliott, Robert	Emiro, Frank	Fesh, Bob	Flanders, John Sr
Garcia, Marilinda	Garrity, James	Gleason, John	Gould, Kenneth
Griffin, Mary	Guthrie, Joseph	Headd, James	Hopfgarten, Paul
Hutchinson, Karen	Ingram, Russell	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	Marsh, Michael	McKinney, Betsy
McMahon, Charles	Moore, Bennett	Packard, Sherman	Pearson, Mark
Priestley, Anne	Quandt, Marshall	Quandt, Matthew	Rausch, James
Reagan, John	Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin
Weare, Everett	Welch, David	Weyler, Kenneth	Wickson, Rick
Winchell, George			

**STRAFFORD**

None

**SULLIVAN**

Rodeschin, Beverly  
and the majority committee report was adopted.  
Referred to the Committee on Ways and Means.

**SB 148-FN**, relative to retirement system status for members of the university system police force.  
**MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ken Hawkins for the Majority of Executive Departments and Administration: This bill would allow police employed by UNH and Plymouth State University to become members of Group II of the New Hampshire Retirement System (Keene has a separate security force). These officers do attend the police academy; however, the difference occurs when you look at who is allowed to be a member of Group II. The RSA is very explicit in that Group II members must be employed by a political subdivision of the state, and UNH and Plymouth State are not political subdivisions. In addition, we heard testimony from legislators from the Durham and Plymouth areas that they were not in support of this bill. The towns, as well as the university, also were opposed. There was conflicting testimony regarding whether or not UNH would be exempt from Social Security. If they weren't exempt, it would place an additional burden on the students paying tuition because the

university system would have increased costs by paying into both Social Security and NH Retirement for each officer. Currently, the university system is a defined contribution system versus the NH Retirement System which is a defined benefit system, but the university system allows officers to retire after 20 years, which allows the university to match this Group II benefit. This topic has come up previously and, based upon all of the testimony in opposition, we concluded this is an issue to be worked out between the towns, the university system and the campus police. Vote 12-5.

Rep. Daniel J. Sullivan for the Minority of Executive Departments and Administration: The minority feels that the officers of the University System Police Department deserve the same rights as any other police officer in the state, which includes membership in Group II of the New Hampshire Retirement System. These officers have the same training and run the same risks while working side by side with officers of other local police agencies. They serve not only the campus, but the greater community, and see the same level of crime as their counterparts of neighboring departments. The minority strongly disagrees with the ITL of SB 148 and believes we should finally give these officers Group II retirement benefits they deserve.

Rep. Daniel Sullivan spoke against and yielded to questions.

Rep. Patricia McMahon spoke in favor and yielded to questions.

### MOTION TO LAY ON THE TABLE

Rep. Campbell moved that **SB 148-FN**, relative to retirement system status for members of the university system police force, be laid on the table.

Rep. Michael Rollo requested a roll call; sufficiently seconded.

### YEAS 114 NAYS 221

#### YEAS 114

#### BELKNAP

Flanders, Donald	Millham, Alida	Morrison, Gail	Tilton, Franklin
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#### CARROLL

Butler, Edward	Cunningham, Howard	Denley, William	Heard, Virginia
Stevens, Stanley			

#### CHESHIRE

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Chase, William	Eaton, Daniel	Lerandau, Alfred	Mitchell, Bonnie
Richardson, Barbara	Robertson, Timothy	Weber, Lucy	

#### COOS

Hatch, William

#### GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Dingman, Vernon III
Harding, A Laurie	Ingbertson, Paul	Laliberte, Suzanne	Mulholland, Catherine
Nordgren, Sharon	Preston, Phillip	Sorg, Gregory	Williams, Burton

#### HILLSBOROUGH

Beck, Catriona	Campbell, David	Christiansen, Lars	Clark, Mark
Cote, David	Cote, Peter	Fletcher, Richard	Foster, Linda
Francoeur, Bea	Graham, John	Hackel, Paul	Hall, Betty
Hammond, Jill	Hawkins, Ken	Irwin, Anne-Marie	Kaelin, Michael
Lawrence, James	Lisle, Carolyn	Mack, Ron	Messier, Irene
Peterson, Andy	Pilotte, Maurice	Renzullo, Andrew	Rosenwald, Cindy
Schulze, Joan	Smith, Sandra	Soucy, Connie	Spratt, Stephen
Ulery, Jordan			

#### MERRIMACK

Blanchard, Elizabeth	Brueggemann, Donald	Davis, Frank	Foose, Robert
Gile, Mary	Hamm, Christine	Kidder, David	Lockwood, Priscilla
McMahon, Patricia	Potter, Frances	Richardson, Gary	Wallner, Mary
Webb, Leigh			

**ROCKINGHAM**

Abbott, Dennis  
Camm, Kevin  
Flockhart, Eileen  
Johnson, Robert  
McKinney, Betsy  
Robertson, Carl

Belanger, Ronald  
Casey, Kimberley  
Gould, Kenneth  
Lister, Charlotte  
Moody, Marcia  
Russell, Trinka

Bishop, Franklin  
Day, Judith  
Grote, Otto  
Lund, Howie  
Priestley, Anne

Borden, David  
Fesh, Bob  
Headd, James  
Marsh, Michael  
Reagan, John

**STRAFFORD**

Brennan, William  
Knowles, William  
Spang, Judith

Burke, Rachel  
Rous, Emma  
Wall, Janet

Goodwin, Earle  
Schmidt, Peter

Kaen, Naida  
Smith, Marjorie

**SULLIVAN**

Franklin, Peter  
Nielsen, Ellen

Gagnon, Raymond  
Rodeschin, Beverly

Gottling, Suzanne  
Skinder, Carla

Houde, Matthew

**NAYS 221****BELKNAP**

Allen, Janet  
Pilliod, James  
Wendelboe, Fran

Boyce, Laurie  
Russell, David  
Whalley, Michael

Clark, Charles  
Thomas, John  
Wood, Jane

Nedeau, Stephen  
Tobin, William

**CARROLL**

Bridgham, Robert  
Knox, J. David

Brown, Carolyn  
Martin, James

Buco, Thomas  
Morrow, Harry

Chandler, Gene  
Patten, Betsey

**CHESHIRE**

Burridge, Delmar  
Johnson, Jane  
Plifka, Stanley Jr

Dunn, J. Timothy  
Loll, Thomas  
Roberts, Kris

Emerson, Susan  
Parkhurst, Henry  
Sad, Tara

Espiefs, Peter  
Pelkey, Stephen  
Weed, Charles

**COOS**

King, Frederick  
Thomas, Yvonne

Remick, William

Theberge, Robert

Tholl, John Jr

**GRAFTON**

Aguiar, James  
Friedrich, Carol  
Matheson, Robert

Andersen, Gene  
Gionet, Edmond  
Solomon, Peter

Eaton, Stephanie  
Hammond, Lee

Estes, Carole  
Lovett, Sid

**HILLSBOROUGH**

Baroody, Benjamin  
Bergeron, Jean-Guy  
Clemons, Jane  
Day, Russell  
Elliott, Nancy  
Forest, Armand  
Gorman, Mary  
Harvey, Suzanne  
Holden, Randolph  
Judy, Jean  
Lasky, Bette  
Levesque, Melanie  
Matarazzo, Anthony Sr  
Movsesian, Lori  
Ober, Russell III

Barry, Richard  
Bergin, Peter  
Coughlin, Pamela  
Dokmo, Cynthia  
Emerton, Larry  
Garrity, Patrick  
Haefner, Robert  
Hebert, Roger  
Infantine, William  
Kelley, John  
Leishman, Peter  
Long, Patrick  
McRae, Karen  
O'Connell, Timothy  
Price, Pamela

Batula, Peter  
Brunelle, Michael  
Daler, Jennifer  
Drisko, Richard  
Essex, David  
Ginsburg, Ruth  
Haley, Robert  
Hinkle, Peyton  
Jasper, Shawn  
Kurk, Neal  
Lessard, Rudy  
Manney, Pamela  
Mesa, Lily  
O'Neil, James  
Reuschel, Michael

Beaulieu, Jane  
Christensen, Chris  
Daniels, Gary  
Edwards, Andrew  
Fontas, Jeffrey  
Goley, Jeffrey  
Hansen, Ryan  
Hogan, Edith  
Jean, Claudette  
L'Heureux, Robert  
Levasseur, Nickolas  
Martineau, Jesse  
Mooney, Maureen  
Ober, Lynne  
Rowe, Robert

Shattuck, Gilman  
Smith, David  
Sullivan, Francis  
Villeneuve, Maurice

Shaw, Barbara  
Spaulding, Jayne  
Sysyn, Mary  
Winters, Joel

Shaw, Kimberly  
Stepanek, Stephen  
Tahir, Saghir

Simon, Anthony  
Sullivan, Daniel  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
French, Barbara  
Humphries, Charlie  
Porter, Margaret  
Shurtleff, Stephen  
Williams, Robert

Baxley, Maureen  
DeJoie, John  
Greco, Vincent  
MacKay, James  
Reardon, Tara  
Tilton, Joy  
Yeaton, Charles

Beauchesne, Suzanne  
DeStefano, Stephen  
Hager, Elizabeth  
Osborne, Jessie  
Reed, Dennis  
Tupper, Frank

Brown, Carole  
Ehlers, Eileen  
Hess, David  
Owen, Derek  
Ryan, Jim  
Walz, Mary

### ROCKINGHAM

Allen, Mary  
Brown, C. Pennington  
Charron, Gene  
Elliott, Robert  
Garrity, James  
Henson, John  
Ingram, Russell  
Kelley, Jane  
McKenna, Daniel  
Packard, Sherman  
Quandt, Marshall  
Snow, Richard  
Weare, Everett  
Wickson, Rick

Baldasaro, Alfred  
Buxton, Donald  
Dalrymple, David  
Emiro, Frank  
Gleason, John  
Hopfgarten, Paul  
Kappler, Lawrence  
Kennedy, James  
McMahon, Charles  
Pearson, Mark  
Quandt, Matthew  
Splaine, James  
Welch, David  
Winchell, George

Bedrick, Jason  
Carson, Sharon  
Devine, James  
Flanders, John Sr  
Griffin, Mary  
Howard, Doreen  
Katsakiores, George  
Kepner, Susan  
Moore, Bennett  
Powers, James  
Rausch, James  
Stiles, Nancy  
Wells, Roger

Bettencourt, David  
Case, Frank  
DiFruscia, Anthony  
Garcia, Marilinda  
Guthrie, Joseph  
Hutchinson, Karen  
Katsakiores, Phyllis  
McCarthy, Linda  
Nord, Susi  
Preston, Mark  
Sanders, Elisabeth  
Waterhouse, Kevin  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Browne, Brendon  
Hilliard, Dana  
Rollo, Michael

Billian, Deborah  
Cyr, James  
Mickelonis, Shawn  
Sprague, Dale

Brown, Julie  
DeChane, Marlene  
Perry, Robert  
Warren, Nancy

Brown, Larry  
 Fargo, Thomas  
Rollo, Deanna  
Watson, Robert

### SULLIVAN

Cloutier, John  
Jillette, Arthur Jr  
and the motion failed.

Converse, Larry

Donovan, Thomas

Ferland, Brenda

The question now being adoption of the majority committee report of Inexpedient to Legislate.  
Reps. Manney and DeJoie spoke against and yielded to questions.  
Reps. Cooney and Marjorie Smith spoke in favor.  
Rep. Michael Rollo requested a roll call; sufficiently seconded.

### YEAS 204 NAYS 126

### YEAS 204

### BELKNAP

Allen, Janet  
Millham, Alida  
Russell, David  
Whalley, Michael

Boyce, Laurie  
Morrison, Gail  
Tilton, Franklin

Clark, Charles  
Nedeau, Stephen  
Tobin, William

Flanders, Donald  
Pilliod, James  
Wendelboe, Fran

### CARROLL

Bridgham, Robert  
Cunningham, Howard  
Martin, James

Brown, Carolyn  
Denley, William  
Merrow, Harry

Butler, Edward  
Heard, Virginia  
Patten, Betsey

Chandler, Gene  
Knox, J. David  
Stevens, Stanley

**CHESHIRE**

Allen, Peter  
Chase, William  
Johnson, Jane  
Robertson, Timothy

Butcher, Suzanne  
Eaton, Daniel  
Lerandeau, Alfred  
Weber, Lucy

Butterworth, Timothy  
Emerson, Susan  
Mitchell, Bonnie

Butynski, William  
Hunt, John  
Richardson, Barbara

**COOS**

Hatch, William

King, Frederick

Remick, William

**GRAFTON**

Aguiar, James  
Dingman, Vernon III  
Gionet, Edmond  
Matheson, Robert  
Preston, Philip

Almy, Susan  
Eaton, Stephanie  
Harding, A Laurie  
Mulholland, Catherine  
Sorg, Gregory

Benn, Bernard  
Estes, Carole  
Ingbretson, Paul  
Nordgren, Sharon  
Williams, Burton

Cooney, Mary  
Friedrich, Carol  
Laliberte, Suzanne  
Pierce, David

**HILLSBOROUGH**

Barry, Richard  
Bergin, Peter  
Clark, Mark  
Daniels, Gary  
Elliott, Nancy  
Ginsburg, Ruth  
Haefner, Robert  
Hawkins, Ken  
Irwin, Anne-Marie  
L'Heureux, Robert  
Lisle, Carolyn  
Mooney, Maureen  
Peterson, Andy  
Rosenwald, Cindy  
Soucy, Connie  
Ulery, Jordan

Batula, Peter  
Campbell, David  
Cote, David  
Day, Russell  
Fletcher, Richard  
Gorman, Mary  
Hall, Betty  
Hinkle, Peyton  
Jasper, Shawn  
Lawrence, James  
Mack, Ron  
O'Connell, Timothy  
Pilotte, Maurice  
Schulze, Joan  
Spratt, Stephen  
Vaillancourt, Steve

Beck, Catriona  
Christensen, Chris  
Coughlin, Pamela  
Dokmo, Cynthia  
Foster, Linda  
Graham, John  
Hammond, Jill  
Hogan, Edith  
Kaelin, Michael  
Leishman, Peter  
McRae, Karen  
Ober, Lynne  
Price, Pamela  
Smith, David  
Stepanek, Stephen  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Christiansen, Lars  
Daler, Jennifer  
Drisko, Richard  
Francoeur, Bea  
Hackel, Paul  
Hansen, Ryan  
Infantine, William  
Kurk, Neal  
Levesque, Melanie  
Messier, Irene  
Ober, Russell III  
Renzullo, Andrew  
Smith, Sandra  
Tahir, Saghir

**MERRIMACK**

Anderson, Eric  
Foose, Robert  
Hess, David  
McMahon, Patricia  
Tupper, Frank

Blanchard, Elizabeth  
French, Barbara  
Kidder, David  
Porter, Margaret  
Wallner, Mary

Brueggemann, Donald  
Gile, Mary  
Lockwood, Priscilla  
Reed, Dennis  
Webb, Leigh

Davis, Frank  
Hamm, Christine  
MacKay, James  
Richardson, Gary

**ROCKINGHAM**

Abbott, Dennis  
Bishop, Franklin  
Case, Frank  
Day, Judith  
Gould, Kenneth  
Hopfgarten, Paul  
Lister, Charlotte  
McMahon, Charles  
Rausch, James  
Sanders, Elisabeth  
Welch, David

Allen, Mary  
Borden, David  
Casey, Kimberley  
Fesh, Bob  
Griffin, Mary  
Ingram, Russell  
Lund, Howie  
Moore, Bennett  
Reagan, John  
Snow, Richard  
Weyler, Kenneth

Baldasaro, Alfred  
Camm, Kevin  
Charron, Gene  
Flockhart, Eileen  
Grote, Otto  
Johnson, Robert  
Marsh, Michael  
Packard, Sherman  
Robertson, Carl  
Stiles, Nancy

Belanger, Ronald  
Carson, Sharon  
Dalrymple, David  
Garcia, Marilinda  
Headd, James  
Kappler, Lawrence  
McKinney, Betsy  
Priestley, Anne  
Russell, Trinka  
Waterhouse, Kevin

**STRAFFORD**

Brennan, William  
Kaen, Naida  
Smith, Marjorie

Burke, Rachel  
Knowles, William  
Spang, Judith

Fargo, Thomas  
Rous, Emma  
Wall, Janet

Goodwin, Earle  
Schmidt, Peter  
Watson, Robert



**SULLIVAN**

Franklin, Peter  
Nielsen, Ellen

Gagnon, Raymond  
Rodeschin, Beverly

Gottling, Suzanne  
Skinder, Carla

Houde, Matthew

**NAYS 126****BELKNAP**

Wood, Jane

**CARROLL**

None

**CHESHIRE**

Burridge, Delmar  
Parkhurst, Henry  
Sad, Tara

Dunn, J. Timothy  
Pelkey, Stephen  
Weed, Charles

Espiefs, Peter  
Plifka, Stanley Jr

Loll, Thomas  
Roberts, Kris

**COOS**

Theberge, Robert

Tholl, John Jr

Thomas, Yvonne

**GRAFTON**

Andersen, Gene

Hammond, Lee

Lovett, Sid

Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
Cote, Peter  
Fontas, Jeffrey  
Haley, Robert  
Jean, Claudette  
Lessard, Rudy  
Matarazzo, Anthony Sr  
Reuschel, Michael  
Simon, Anthony  
Sysyn, Mary

Beaulieu, Jane  
Edwards, Andrew  
Forest, Armand  
Harvey, Suzanne  
Judy, Jean  
Levasseur, Nickolas  
Mesa, Lily  
Shattuck, Gilman  
Spaulding, Jayne  
Winters, Joel

Brunelle, Michael  
Emerton, Larry  
Garrity, Patrick  
Hebert, Roger  
Kelley, John  
Manney, Pamela  
Movsesian, Lori  
Shaw, Barbara  
Sullivan, Daniel

Clemons, Jane  
Essex, David  
Goley, Jeffrey  
Holden, Randolph  
Lasky, Bette  
Martineau, Jesse  
O'Neil, James  
Shaw, Kimberly  
Sullivan, Francis

**MERRIMACK**

Baxley, Maureen  
DeJoie, John  
Osborne, Jessie  
Shurtleff, Stephen  
Williams, Robert

Beauchesne, Suzanne  
DeStefano, Stephen  
Owen, Derek  
Tilton, Joy  
Yeaton, Charles

Brown, Carole  
Ehlers, Eileen  
Reardon, Tara  
Walz, Mary

Clarke, Claire  
Greco, Vincent  
Ryan, Jim  
Wheeler, Deborah

**ROCKINGHAM**

Bedrick, Jason  
Devine, James  
Flanders, John Sr  
Henson, John  
Katsakiores, Phyllis  
McKenna, Daniel  
Powers, James  
Splaine, James  
Winchell, George

Bettencourt, David  
DiFruscia, Anthony  
Garrity, James  
Howard, Doreen  
Kelley, Jane  
Moody, Marcia  
Preston, Mark  
Weare, Everett

Brown, C. Pennington  
Elliott, Robert  
Gleason, John  
Hutchinson, Karen  
Kennedy, James  
Nord, Susi  
Quandt, Marshall  
Wells, Roger

Buxton, Donald  
Emiro, Frank  
Guthrie, Joseph  
Katsakiores, George  
Kepner, Susan  
Pearson, Mark  
Quandt, Matthew  
Wickson, Rick

**STRAFFORD**

Berube, Roger  
Browne, Brendon  
Mickelonis, Shawn  
Sprague, Dale

Billian, Deborah  
Cyr, James  
Perry, Robert  
Warren, Nancy

Brown, Julie  
DeChane, Marlene  
Rollo, Deanna

Brown, Larry  
Hilliard, Dana  
Rollo, Michael

## SULLIVAN

Cloutier, John

Converse, Larry

Donovan, Thomas

Ferland, Brenda

Jillette, Arthur Jr

and the majority committee report was adopted.

**SB 169-FN-A**, establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty and establishing a committee to study the feasibility of establishing a state death benefit for emergency medical technicians killed in the line of duty. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Daniel J. Sullivan for the Majority of Executive Departments and Administration: This bill establishes a Line of Duty death benefit of \$100,000 for the family of a police officer or firefighter who perishes while serving the people of New Hampshire in the performance of his or her duties. The committee amended language in the bill which would have added a committee to study the feasibility of including emergency medical technicians as well. The committee feels that the amended version projects more accurately the true spirit of the intention of the bill, honoring police officers and firefighters of our state who give the ultimate sacrifice for their fellow man and to assist their survivors. It also establishes a committee to study the eligibility of the recipient and implementation of the award. Vote 12-5.

Rep. Alida I. Millham for the Minority of Executive Departments and Administration: The minority support the work of the fire and police members of our state. We understand the risks of each and every one in the line of duty. While the payment would be a gesture, the minority feels there are better and more comprehensive ways to further protect these employees and their families. The legislative process demands not rushing legislation through on the basis of an emotional reaction to a tragic situation. There are other public employees who work in harm's way and need consideration in this process. This issue would be best considered in the collective bargaining process.

**Majority Amendment (1528h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty and establishing a committee to study the eligibility for and award of the benefit.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Death Benefit for Police Officer or Firefighter Killed in Line of Duty. Amend RSA 21-I by inserting after section 29 the following new section:

21-I:29-a Death Benefit for Police Officer or Firefighter Killed in Line of Duty.

I. In this section:

(a) "Family" means the surviving spouse of the police officer or firefighter, or if there is no surviving spouse, the child or children of such police officer or firefighter or, if there is no surviving child, the parent or parents of such police officer or firefighter.

(b) "Firefighter" means any firefighter, including auxiliary, intermittent, special, part-time, volunteer, call, or reserve firefighters who are employed by a city or town within the state of New Hampshire, or any firefighter employed by the state of New Hampshire.

(c) "Killed in the line of duty" means a death of a police officer or firefighter while in the performance of his or her duties as a result of incident, accident, or violence causing death or injuries which are the direct or proximate cause of death.

(d) "Police officer" means any law enforcement officer with the power of arrest, including auxiliary, intermittent, special, part-time, or reserve police officers who are employed by a city or town within the state of New Hampshire, or any state law enforcement officer employed by the state of New Hampshire who has power of arrest as determined by state law.

II. In addition to any other benefits provided under this chapter, the state treasurer shall pay a \$100,000 death benefit to the family of a police officer or firefighter killed in the line of duty. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. This section shall be known as "Michael's Law," in honor of Manchester Police Officer Michael Briggs who was shot while on duty.

2 Committee Established. There is established a committee to study the policies and methods for determining eligibility for, and the award of, benefits under section 1 of this act.

### 3 Membership and Compensation.

#### I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall study the policies and methods for determining eligibility for, and the award of, benefits under section 1 of this act.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2007.

7 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a death benefit to be paid to the family of a state or local police officer or firefighter killed in the line of duty.

The bill also establishes a committee to study the policies and methods for determining eligibility for, and the award of, the death benefit.

Majority committee amendment adopted.

Majority committee report adopted.

Referred to the Committee on Finance.

Rep. Patrick Garrity declared a conflict of interest on **SB 169-FN-A** and did not participate.

**SB 47-FN-A**, making a supplemental appropriation for school building aid. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth L. Weyler for Finance: School construction aid for FY 2007 was budgeted at \$40,735,039. There was a shortfall of \$2,252,356 due to three circumstances. The first was the increasing use of capital appreciation bonds by many of the districts. This financing method results in payments beginning earlier than customary. The second reason was districts choosing ten year bonding over twenty year. The third reason was legislation changing the formula on multi-district/state cost sharing. This change allowed districts that had long term tuition contracts to be treated as if they were a multi-town district. This latter affected Manchester, Conway, and Sanborn Regional. The bill was amended to reduce the amount to that stated above and also to allow a third payment for FY 2007 for the districts affected. Future legislation will make the amounts for construction aid more predictable. Vote 18-0.

### Amendment (1428h)

Amend the bill by replacing section 1 with the following:

1 Supplemental Appropriation; School Building Aid. In addition to any other sums appropriated to PAU 06, 03, 02, 02, 02, class 90, school building aid, there is hereby appropriated the sum of \$2,252,356 to the department of education for the fiscal year ending June 30, 2007 for school building aid. The governor is authorized to draw a warrant for such amount from any money in the treasury not otherwise appropriated. Notwithstanding RSA 198:15-a, the commissioner of the department of education is authorized to disburse this additional sum upon the effective date of this act.

### AMENDED ANALYSIS

This bill makes a supplemental appropriation of \$2,252,356 to the department of education for school building aid for the 2007 fiscal year.

This bill is a request of the department of education.

Amendment adopted.

Committee report adopted and ordered to third reading.

**SB 191-FN-A**, relative to the nongame species account in the fish and game fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John W. Henson for Fish and Game: This bill will provide resources to match federal grants to support non-game species management. The match requirement has changed from a three to one match to a one to one match. There is \$600,000 of federal matching funds available in 2007. Private contributions and other sources will fund \$250,000 leaving \$350,000 needed from the General Fund. This is not an increase in total program spending from previous years. New Hampshire Fish and Game's program, recognized as one of the best in the nation, has been very successful and is targeted to avoid putting more species on the endangered or threatened list. When a species becomes listed, the cost of management increases exponentially. Non-game species are a valuable asset to the state. Vote 15-0.

**Amendment (1331h)**

Amend RSA 212-B:6, II as inserted by section 1 of the bill by replacing it with the following:

II. ~~[The fish and game department shall issue a certificate of participation to any individual who donates not less than \$10 to the nongame species account established in paragraph I.]~~ The state treasurer shall deposit annually from the general fund into the special nongame species account an amount equal to the moneys donated **and federal grants appropriated for the nongame species management act** during any fiscal year under this paragraph up to and including a total of ~~[\$50,000]~~ **\$350,000** annually. The governor is authorized to draw ~~[his]~~ **a** warrant for such amount out of any money in the treasury not otherwise appropriated. This is a continuing appropriation. Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

**SB 138-FN-A**, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making appropriations therefor. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Ruth Z. Bleyler for the Majority of Health, Human Services and Elderly Affairs: This bill requires the Department of HHS to fund services to persons with developmental disabilities and acquired brain disorders within 90 days of eligibility. Not only does it provide a permanent solution to end the waitlist, but it also makes necessary improvements for building the capacity of the area agency system by including pay increases for direct care support staff; a rate increase for family home care providers; evaluating the need for assistive technologies; and a quality assurance system. After years of funding cuts and system erosion, the majority of the committee was convinced by the testimony of experts that both funding and infrastructure improvements are necessary to provide high quality and timely services to these vulnerable individuals. Vote 13-7.

Rep. Charles E. McMahon for the Minority of Health, Human Services and Elderly Affairs: This measure seeks to provide the financial means to end the Developmental Disability (DD) Wait List by amending SB 138 to include the money needed to end the Wait List as we know it. It does this by providing the funding necessary to meet the 90 day maximum wait for services goal as originally set forth in the Renewing the Vision Plan of 2001. The DD Wait List has for over two decades been the gate-keeper for support services promised to New Hampshire families after the closing of the Laconia State School in 1990. The Legislature since then has consistently underfunded the waiting list and as a result, access to programs and services for those families with developmentally disabled young adults has suffered, greatly. The untold strain on individuals and their extended families is one that is met with a resiliency and resolve that has made New Hampshire proud and a model for the rest of the country. These families have committed to meet the ever changing needs of their disabled family members in the face of financial and personal hardship while saving the State of New Hampshire virtually millions of dollars. They have done their part, it is now time for us to do ours. Over the past four years, the DD Wait List Oversight Committee resolved, together, to work with one bi-partisan common goal, the elimination of the Wait List by offering a viable plan as a direct result of these efforts. Yet the bill was retained in committee with the claim that area agencies could not meet the service challenge over two years which full funding provided. Then, SB 138 suddenly appeared, with additional issues, but not ending the wait list as quickly as would be hoped for. In effect, it is Renewing the Vision once again, providing the false promise of helping some families on the wait list while not providing the funding required for all families. This is not right. Subsequently, the claim that the area agencies cannot

meet their obligations has been totally refuted through a signed document by all area agency heads. Working with the department and with the support of Division III House Finance, we are now \$2.3 million away from full funding and the end of this abomination known as the waiting list. Let us prioritize and join together in support of this amendment to fully support the section in SB 138 for wait list funding and meet the goal of the 90 day maximum wait over the upcoming two year biennium. We can and must offer to those citizens of New Hampshire with severe disabilities the support and hope for a better life with nothing less than full funding for them and their families. Rep. Charles McMahon offered minority committee amendment (1346h).

### **Minority Amendment (1346h)**

Amend paragraphs II-V of section 8 of the bill by replacing them with the following:

II. The sum of \$4,100,000 in general funds together with federal matching funds for the fiscal year ending June 30, 2008 and the sum of \$11,900,000 in general funds together with federal matching funds for the fiscal year ending June 30, 2009 are hereby appropriated to the department of health and human services, for the purposes of providing services to persons with developmental disabilities and acquired brain disorders who have applied and have been determined eligible for services and who have been placed on a waiting list for such services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

III. For the enhanced family care rate increase under RSA 171-A:1-d, II as inserted by section 3 of this act, the sum of \$480,000 in general funds together with federal matching funds for the fiscal year ending June 30, 2009 are hereby appropriated to the department of health and human services, for the purposes of funding this rate increase. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

IV. For the assistive technology assessments under RSA 171-A:6, II as inserted by section 6 of this act, the sum of \$100,000 in general funds together with federal matching funds for the fiscal year ending June 30, 2008 and the sum of \$200,000 in general funds together with federal matching funds for the fiscal year ending June 30, 2009 are hereby appropriated to the department of health and human services, for the purposes of funding these assessments. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. Reps. Rosenwald and Nordgren spoke against.

Reps. Charles McMahon and Batula spoke in favor.

Rep. Batula requested a roll call; sufficiently seconded.

### **YEAS 142 NAYS 162**

#### **YEAS 142 BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Russell, David	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael	Wood, Jane		

#### **CARROLL**

Brown, Carolyn	Chandler, Gene	Denley, William	Knox, J. David
Martin, James	Merrow, Harry	Patten, Betsey	Stevens, Stanley

#### **CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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#### **COOS**

King, Frederick	Remick, William
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#### **GRAFTON**

Eaton, Stephanie	Gionet, Edmond	Lovett, Sid	Matheson, Robert
Solomon, Peter	Sorg, Gregory	Williams, Burton	

#### **HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey

Daniels, Gary  
 Elliott, Nancy  
 Hawkins, Ken  
 Infantine, William  
 Lessard, Rudy  
 Messier, Irene  
 Ober, Lynne  
 Renzullo, Andrew  
 Spratt, Stephen  
 Vaillancourt, Steve

Day, Russell  
 Emerton, Larry  
 Hinkle, Peyton  
 Jasper, Shawn  
 Manney, Pamela  
 Mooney, Maureen  
 Ober, Russell III  
 Shaw, Kimberly  
 Stepanek, Stephen  
 Villeneuve, Maurice

Dokmo, Cynthia  
 Graham, John  
 Hogan, Edith  
 L'Heureux, Robert  
 Matarazzo, Anthony Sr  
 O'Connell, Timothy  
 Peterson, Andy  
 Soucy, Connie  
 Tahir, Saghir

Drisko, Richard  
 Haefner, Robert  
 Holden, Randolph  
 Lawrence, James  
 McRae, Karen  
 O'Neil, James  
 Price, Pamela  
 Spaulding, Jayne  
 Ulery, Jordan

### MERRIMACK

Anderson, Eric  
 Lockwood, Priscilla

DeStefano, Stephen  
 MacKay, James

Hamm, Christine  
 Reed, Dennis

Hess, David

### ROCKINGHAM

Allen, Mary  
 Bettencourt, David  
 Carson, Sharon  
 Devine, James  
 Fesh, Bob  
 Gleason, John  
 Headd, James  
 Johnson, Robert  
 McKinney, Betsy  
 Quandt, Marshall  
 Sanders, Elisabeth  
 Weare, Everett  
 Winchell, George

Baldasaro, Alfred  
 Bishop, Franklin  
 Case, Frank  
 DiFruscia, Anthony  
 Flanders, John Sr  
 Gould, Kenneth  
 Hopfgarten, Paul  
 Katsakiores, George  
 McMahon, Charles  
 Quandt, Matthew  
 Snow, Richard  
 Welch, David

Bedrick, Jason  
 Buxton, Donald  
 Charron, Gene  
 Elliott, Robert  
 Garcia, Marilinda  
 Griffin, Mary  
 Hutchinson, Karen  
 Katsakiores, Phyllis  
 Packard, Sherman  
 Rausch, James  
 Stiles, Nancy  
 Wells, Roger

Belanger, Ronald  
 Camm, Kevin  
 Dalrymple, David  
 Emiro, Frank  
 Garrity, James  
 Guthrie, Joseph  
 Ingram, Russell  
 Lund, Howja  
 Priestley, Anne  
 Robertson, Carl  
 Waterhouse, Kevin  
 Weyler, Kenneth

### STRAFFORD

Brown, Julie

Fargo, Thomas

Sprague, Dale

### SULLIVAN

Ferland, Brenda

Rodeschin, Beverly

### NAYS 162

### BELKNAP

None

### CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Heard, Virginia

### CHESHIRE

Burridge, Delmar  
 Dunn, J. Timothy  
 Mitchell, Bonnie  
 Roberts, Kris  
 Weed, Charles

Butcher, Suzanne  
 Eaton, Daniel  
 Parkhurst, Henry  
 Robertson, Timothy

Butterworth, Timothy  
 Espieffs, Peter  
 Plifka, Stanley Jr  
 Sad, Tara

Butynski, William  
 Lerandeau, Alfred  
 Richardson, Barbara  
 Weber, Lucy

### COOS

Hatch, William

Theberge, Robert

Thomas, Yvonne

### GRAFTON

Aguiar, James  
 Cooney, Mary  
 Harding, A Laurie  
 Preston, Philip

Almy, Susan  
 Estes, Carole  
 Laliberte, Suzanne

Andersen, Gene  
 Friedrich, Carol  
 Mulholland, Catherine

Benn, Bernard  
 Hammond, Lee  
 Nordgren, Sharon

**HILLSBOROUGH**

Baroody, Benjamin	Beck, Catriona	Brunelle, Michael	Campbell, David
Cote, David	Cote, Peter	Daler, Jennifer	Edwards, Andrew
Essex, David	Fletcher, Richard	Fontas, Jeffrey	Foster, Linda
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Hall, Betty	Hammond, Jill	Harvey, Suzanne
Hebert, Roger	Irwin, Anne-Marie	Jean, Claudette	Jeady, Jean
Kelley, John	Kurk, Neal	Lasky, Bette	Leishman, Peter
Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn	Mack, Ron
Martineau, Jesse	Mesa, Lily	Movsesian, Lori	Pilotte, Maurice
Reuschel, Michael	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Simon, Anthony	Smith, David	Sullivan, Daniel
Sullivan, Francis	Sysyn, Mary	Winters, Joel	

**MERRIMACK**

Baxley, Maureen	Bouchard, Candace	Brown, Carole	Brueggemann, Donald
Clarke, Claire	Davis, Frank	DeJoie, John	Ehlers, Eileen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Porter, Margaret
Reardon, Tara	Richardson, Gary	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary	Walz, Mary
Webb, Leigh	Wheeler, Deborah	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Borden, David	Brown, C. Pennington	Casey, Kimberley
Day, Judith	Flockhart, Eileen	Grote, Otto	Henson, John
Howard, Doreen	Kennedy, James	Marsh, Michael	McCarthy, Linda
McKenna, Daniel	Moody, Marcia	Nord, Susi	Powers, James
Russell, Trinka	Spaine, James		

**STRAFFORD**

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Larry
Browne, Brendon	Burke, Rachel	Cyr, James	DeChane, Marlene
Hilliard, Dana	Kaen, Naida	Knowles, William	Mickelonis, Shawn
Perry, Robert	Rollo, Deanna	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Wall, Janet
Warren, Nancy	Watson, Robert		

**SULLIVAN**

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew	Jillette, Arthur Jr
Nielsen, Ellen	Phinazy, James	Skinder, Carla	

and the minority committee amendment failed.

The question now being adoption of the majority committee report of Ought to Pass. Rep. Mitchell requested a roll call; sufficiently seconded.

**YEAS 300 NAYS 5****YEAS 300****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Morrison, Gail	Neddeau, Stephen	Pilliod, James
Russell, David	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael	Wood, Jane		

**CARROLL**

Bridgham, Robert	Brown, Carolyn	Buco, Thomas	Butler, Edward
Chandler, Gene	Denley, William	Heard, Virginia	Knox, J. David
Martin, James	Merrow, Harry	Patten, Betsey	Stevens, Stanley

**CHESHIRE**

Burridge, Delmar  
Dunn, J. Timothy  
Hunt, John  
Parkhurst, Henry  
Roberts, Kris  
Weed, Charles

Butcher, Suzanne  
Eaton, Daniel  
Johnson, Jane  
Pelkey, Stephen  
Robertson, Timothy

Butterworth, Timothy  
Emerson, Susan  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Sad, Tara

Butynski, William  
Espiefs, Peter  
Mitchell, Bonnie  
Richardson, Barbara  
Weber, Lucy

**COOS**

Hatch, William  
Thomas, Yvonne

King, Frederick

Remick, William

Theberge, Robert

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Gionet, Edmond  
Lovett, Sid  
Preston, Philip

Almy, Susan  
Eaton, Stephanie  
Hammond, Lee  
Matheson, Robert  
Solomon, Peter

Andersen, Gene  
Estes, Carole  
Harding, A Laurie  
Mulholland, Catherine  
Sorg, Gregory

Benn, Bernard  
Friedrich, Carol  
Laliberte, Suzanne  
Nordgren, Sharon  
Williams, Burton

**HILLSBOROUGH**

Baroody, Benjamin  
Bergeron, Jean-Guy  
Christensen, Chris  
Cote, Peter  
Daniels, Gary  
Edwards, Andrew  
Fontas, Jeffrey  
Goley, Jeffrey  
Haefner, Robert  
Hawkins, Ken  
Holden, Randolph  
Jean, Claudette  
Lasky, Bette  
Levasseur, Nickolas  
Manney, Pamela  
Mesa, Lily  
O'Connell, Timothy  
Pilotte, Maurice  
Rosenwald, Cindy  
Shaw, Kimberly  
Spaulding, Jayne  
Sullivan, Francis  
Vaillancourt, Steve

Barry, Richard  
Bergin, Peter  
Christiansen, Lars  
Coughlin, Pamela  
Day, Russell  
Elliott, Nancy  
Foster, Linda  
Gorman, Mary  
Hall, Betty  
Hebert, Roger  
Infantine, William  
Judy, Jean  
Lawrence, James  
Levesque, Melanie  
Martineau, Jesse  
Messier, Irene  
O'Neil, James  
Price, Pamela  
Schulze, Joan  
Simon, Anthony  
Spratt, Stephen  
Sysyn, Mary  
Villeneuve, Maurice

Batula, Peter  
Brunelle, Michael  
Clemons, Jane  
Crane, Elenore Casey  
Dokmo, Cynthia  
Emerton, Larry  
Garrity, Patrick  
Graham, John  
Hammond, Jill  
Hinkle, Peyton  
Irwin, Anne-Marie  
Kelley, John  
Leishman, Peter  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
Mooney, Maureen  
Ober, Lynne  
Renzullo, Andrew  
Shattuck, Gilman  
Smith, David  
Stepanek, Stephen  
Tahir, Saghir

Beck, Catriona  
Campbell, David  
Cote, David  
Daler, Jennifer  
Drisko, Richard  
Essex, David  
Ginsburg, Ruth  
Hackel, Paul  
Harvey, Suzanne  
Hogan, Edith  
Jasper, Shawn  
L'Heureux, Robert  
Lessard, Rudy  
Mack, Ron  
McRae, Karen  
Movsesian, Lori  
Peterson, Andy  
Reuschel, Michael  
Shaw, Barbara  
Soucy, Connie  
Sullivan, Daniel  
Ulery, Jordan

**MERRIMACK**

Anderson, Eric  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Lockwood, Priscilla  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Baxley, Maureen  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Mackay, James  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hamm, Christine  
McMahon, Patricia  
Reardon, Tara  
Shurtleff, Stephen  
Walz, Mary

Brown, Carole  
DeJoie, John  
French, Barbara  
Hess, David  
Osborne, Jessie  
Reed, Dennis  
Tilton, Joy  
Webb, Leigh

**ROCKINGHAM**

Abbott, Dennis  
Bettencourt, David

Allen, Mary  
Bishop, Franklin

Baldasaro, Alfred  
Borden, David

Belanger, Ronald  
Brown, C. Pennington



Buxton, Donald  
Casey, Kimberley  
Devine, James  
Fesh, Bob  
Garrity, James  
Grote, Otto  
Hopfgarten, Paul  
Johnson, Robert  
Lund, Howie  
McKinney, Betsy  
Packard, Sherman  
Quandt, Matthew  
Sanders, Elisabeth  
Waterhouse, Kevin  
Weyler, Kenneth

Camm, Kevin  
Charron, Gene  
DiFruscia, Anthony  
Flanders, John Sr  
Gleason, John  
Guthrie, Joseph  
Howard, Doreen  
Katsakiores, George  
Marsh, Michael  
McMahon, Charles  
Powers, James  
Rausch, James  
Snow, Richard  
Weare, Everett  
Winchell, George

Carson, Sharon  
Dalrymple, David  
Elliott, Robert  
Flockhart, Eileen  
Gould, Kenneth  
Headd, James  
Hutchinson, Karen  
Katsakiores, Phyllis  
McCarthy, Linda  
Moody, Marcia  
Priestley, Anne  
Robertson, Carl  
Splaine, James  
Welch, David

Case, Frank  
Day, Judith  
Emiro, Frank  
Garcia, Marilinda  
Griffin, Mary  
Henson, John  
Ingram, Russell  
Kennedy, James  
McKenna, Daniel  
Nord, Susi  
Quandt, Marshall  
Russell, Trink  
Stiles, Nancy  
Wells, Roger

### STRAFFORD

Brube, Roger  
Brown, Larry  
DeChane, Marlene  
Knowles, William  
Rollo, Michael  
Spang, Judith  
Watson, Robert

Billian, Deborah  
Browne, Brendon  
Fargo, Thomas  
Mickelson, Shawn  
Rous, Emma  
Sprague, Dale

Brennan, William  
Burke, Rachel  
Hilliard, Dana  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Brown, Julie  
Cyr, James  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Warren, Nancy

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr  
Skinder, Carla

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Rodeschin, Beverly

### NAYS 5

### BELKNAP

None

### CARROLL

None

### CHESHIRE

None

### COOS

None

### GRAFTON

None

### HILLSBOROUGH

Fletcher, Richard

Kurk, Neal

Ober, Russell III

Winters, Joel

### MERRIMACK

None

### ROCKINGHAM

Bedrick, Jason

### STRAFFORD

None

### SULLIVAN

None

and the majority committee report was adopted.  
Referred to the Committee on Finance.

(Rep. Foster in the Chair)

**REGULAR CALENDAR (CONT'D)**

**SB 176-FN**, relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert G. Bridgham for Health, Human Services and Elderly Affairs: This bill sets a lower threshold blood lead level for children that triggers investigation of lead exposure hazards in the child's environment. The threshold value of 10 micrograms/deciliter in this bill has been recommended by the Center for Disease Control since 1991. Concentrations of lead at or above 10 micrograms/deciliter are known to reduce growth and intellectual development in young children, when growth rates, especially in the nervous system, are greatest. Consequently, elevated lead levels cause increase special education costs. When the child lives in a leased or rented dwelling, the bill authorizes inspection for lead exposure hazard of all units in the dwelling. The bill makes one change to current law's required response when a lead exposure hazard is found—if the hazard is found in a unit where a child doesn't reside or regularly frequent, interim controls may be used for an extended period. Interim controls, such as painting, are less extensive (and expensive) than full abatement. The bill creates a commission, including legislators, officials, health officers, landlords, and other interested parties, to study considerations and strategies important to furthering prevention of lead poisoning in New Hampshire. The commission will report by November 1, 2008. As amended, the lower threshold and multi-unit inspections will take effect July 1, 2008, to allow the HHS department to build the necessary work force for proper compliance and also allow landlords more time to voluntarily inspect and repair their premises. Vote 19-1.

**Amendment (1534h)**

Amend RSA 130-A:7, V as inserted by section 4 of the bill by replacing it with the following:

V. Interim controls, as defined in this chapter, may be used as an acceptable alternative to lead hazard abatement only with the prior written approval of the commissioner and for a period not to exceed 2 years. Within that 2-year period the person subject to the order shall either take the steps necessary to eliminate or enclose the lead exposure hazards or remove the dwelling or dwelling unit from the rental market. *For orders issued in leased or rented dwellings where no child resides or frequents regularly at the time of inspection and issuance of the order, interim controls may be used for a period exceeding 2 years with the prior written approval of the commissioner if a hardship is claimed by the lessor and approved by the commissioner and if a lead exposure hazard reduction plan or any other subsequent plan is adopted and in place at the department to address compliance with the intent of this section. The commissioner shall adopt rules, under RSA 541-A, for the procedures for extensions of interim controls.*

Amend RSA 130-A:10, VI as inserted by section 7 of the bill by replacing it with the following:

VI. Procedures for issuing orders under RSA 130-A:7, including procedures for extending the time available for lead hazard reduction *and interim controls for leased or rented dwellings where no child resides or frequents regularly at the time of inspection and issuance of the order.*

Amend paragraph I of section 11 of the bill by replacing it with the following:

I. The members of the commission shall be as follows:

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The governor, or designee.
- (d) The attorney general, or designee.
- (e) The commissioner of the department of health and human services, or designee.
- (f) The commissioner of the department of education, or designee.
- (g) A parent of a lead poisoned child, appointed by the governor.
- (h) A lead safe renovator/instructor, appointed by the commissioner of the department of health and human services.
- (i) Three representatives of the New Hampshire Property Owners Association, appointed by the association.
- (j) Two New Hampshire property owners, one owning a property of 4 or fewer units and one owning a property of 20 or more units, appointed by the governor.
- (k) A representative of the insurance industry, appointed by the insurance commissioner.

(l) A representative of The Way Home, appointed by such organization.

(m) A representative of a municipal health department, appointed by the commissioner of health and human services.

(n) A representative of the Minority Health Office, department of health and human services, appointed by the office.

(o) A representative of the Endowment for Health, appointed by such organization.

(p) A representative of the New Hampshire Charitable Foundation, appointed by the foundation.

(q) The program director of the Dartmouth Toxic Metals Research Program, Center for Environmental Health Sciences, Dartmouth College, or designee.

(r) A representative of a local lead action committee, appointed by the commissioner of the department of health and human services.

(s) A representative of the New Hampshire Association of Realtors, appointed by the president of the association.

(t) A representative of New Hampshire Legal Assistance, familiar with tenant issues, appointed by the executive director.

Amend the bill by replacing section 12 with the following:

#### 12 Duties; Funding.

I. The commission shall identify and consider the full range of legislative and policy strategies that may be effective in furthering lead poisoning prevention in New Hampshire. In its deliberation, the commission shall seek input from individuals or entities that the commission deems relevant to its study recognizing that all stakeholders will need to work together to develop fair and workable solutions that prevent childhood lead poisoning for the purposes of examining the following issues of concern, including but not limited to:

(a) The efficacy of current laws, regulations, education and certification standards, and clinical protocols in reducing the exposure of children to lead hazards.

(b) Examining evidenced-based or promising practices from other states and jurisdictions relative to statewide policy, local ordinance, educational programming and financing strategies.

(c) Considering the economic impact of lead prevention policies and determining strategies and funding mechanisms for distributing the economic costs as broadly as possible.

(d) Examining the insurance-related concerns tied to lead and lead exposure including accessibility to insurance coverage and liability issues.

(e) Developing strategies and protocols for addressing the needs of particular communities or regions of the state or certain populations within the state most impacted by lead poisoning.

II. The commission may seek grant funding support to carry out its duties under paragraph I.

Amend the bill by replacing section 16 with the following:

#### 16 Effective Date.

I. Sections 10-14 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2008.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.  
Rep. Headd requested a roll call; sufficiently seconded.

### YEAS 227 NAYS 75

#### YEAS 227

#### BELKNAP

Clark, Charles  
Wood, Jane

Millham, Alida

Morrison, Gail

Pilliod, James

#### CARROLL

Bridgham, Robert  
Knox, J. David

Brown, Carolyn  
Martin, James

Buco, Thomas  
Patten, Betsey

Heard, Virginia

#### CHESHIRE

Burridge, Delmar  
Chase, William

Butcher, Suzanne  
Dunn, J. Timothy

Butterworth, Timothy  
Eaton, Daniel

Butynski, William  
Espieffs, Peter

Hunt, John  
Parkhurst, Henry  
Roberts, Kris  
Weed, Charles

Johnson, Jane  
Pelkey, Stephen  
Robertson, Timothy

Lerandean, Alfred  
Plifka, Stanley Jr  
Sad, Tara

Mitchell, Bonnie  
Richardson, Barbara  
Weber, Lucy

### COOS

Hatch, William

Theberge, Robert

Thomas, Yvonne

### GRAFTON

Aguiar, James  
Cooney, Mary  
Hammond, Lee  
Matheson, Robert  
Williams, Burton

Almy, Susan  
Estes, Carole  
Harding, A Laurie  
Mulholland, Catherine

Andersen, Gene  
Friedrich, Carol  
Laliberte, Suzanne  
Nordgren, Sharon

Benn, Bernard  
Gionet, Edmond  
Lovett, Sid  
Preston, Philip

### HILLSBOROUGH

Baroody, Benjamin  
Brunelle, Michael  
Coughlin, Pamela  
Emerton, Larry  
Ginsburg, Ruth  
Hackel, Paul  
Hebert, Roger  
Jean, Claudette  
Leishman, Peter  
Lisle, Carolyn  
Martineau, Jesse  
Movsesian, Lori  
Pilotte, Maurice  
Schulze, Joan  
Smith, David  
Sullivan, Francis

Batula, Peter  
Campbell, David  
Daler, Jennifer  
Essex, David  
Goley, Jeffrey  
Hall, Betty  
Holden, Randolph  
Judy, Jean  
Lessard, Rudy  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Connell, Timothy  
Price, Pamela  
Shattuck, Gilman  
Spaulding, Jayne  
Sysyn, Mary

Beck, Catriona  
Clemens, Jane  
Dokmo, Cynthia  
Fontas, Jeffrey  
Gorman, Mary  
Hammond, Jill  
Irwin, Anne-Marie  
Kelley, John  
Levasseur, Nickolas  
Mack, Ron  
Mesa, Lily  
O'Neil, James  
Reuschel, Michael  
Shaw, Barbara  
Spratt, Stephen  
Tahir, Saghir

Bergin, Peter  
Cote, David  
Edwards, Andrew  
Garritty, Patrick  
Graham, John  
Harvey, Suzanne  
Jasper, Shawn  
Lasky, Bette  
Levesque, Melanie  
Manney, Pamela  
Messier, Irene  
Peterson, Andy  
Rosenwald, Cindy  
Shaw, Kimberly  
Sullivan, Daniel  
Winters, Joel

### MERRIMACK

Anderson, Eric  
Clarke, Claire  
Foose, Robert  
Hamm, Christine  
MacKay, James  
Porter, Margaret  
Shurtleff, Stephen  
Walz, Mary

Baxley, Maureen  
Davis, Frank  
French, Barbara  
Hess, David  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Bouchard, Candace  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Brown, Carole  
Ehlers, Eileen  
Greco, Vincent  
Lockwood, Priscilla  
Owen, Derek  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Brown, C. Pennington  
Charron, Gene  
Flockhart, Eileen  
Griffin, Mary  
Ingram, Russell  
Kennedy, James  
McMahon, Charles  
Priestley, Anne  
Russell, Trinka  
Winchell, George

Allen, Mary  
Buxton, Donald  
Day, Judith  
Garritty, James  
Grote, Otto  
Johnson, Robert  
Marsh, Michael  
Moody, Marcia  
Quandt, Marshall  
Snow, Richard

Bishop, Franklin  
Case, Frank  
DiFruscia, Anthony  
Gleason, John  
Henson, John  
Katsakiores, George  
McCarthy, Linda  
Nord, Susi  
Quandt, Matthew  
Splaine, James

Borden, David  
Casey, Kimberley  
Flanders, John Sr  
Gould, Kenneth  
Howard, Doreen  
Katsakiores, Phyllis  
McKenna, Daniel  
Powers, James  
Robertson, Carl  
Wells, Roger

### STRAFFORD

Berube, Roger  
Brown, Larry

Billian, Deborah  
Browne, Brendon

Brennan, William  
Burke, Rachel

Brown, Julie  
Cyr, James

DeChane, Marlene  
Knowles, William  
Rollo, Michael  
Spang, Judith  
Watson, Robert

Fargo, Thomas  
Mickelonis, Shawn  
Rous, Emma  
Sprague, Dale

Hilliard, Dana  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Warren, Nancy

### **SULLIVAN**

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizz, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

### **NAYS 75**

### **BELKNAP**

Allen, Janet  
Russell, David  
Whalley, Michael

Boyce, Laurie  
Tilton, Franklin

Flanders, Donald  
Tobin, William

Nedeau, Stephen  
Wendelboe, Fran

### **CARROLL**

Chandler, Gene

Denley, William

Morrow, Harry

Stevens, Stanley

### **CHESHIRE**

Emerson, Susan

### **COOS**

King, Frederick

Remick, William

### **GRAFTON**

Eaton, Stephanie

Ingbreton, Paul

Sorg, Gregory

### **HILLSBOROUGH**

Barry, Richard  
Crane, Elenore Casey  
Elliott, Nancy  
Hinkle, Peyton  
L'Heureux, Robert  
Ober, Lynne  
Soucy, Connie  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Daniels, Gary  
Fletcher, Richard  
Hogan, Edith  
Lawrence, James  
Ober, Russell III  
Stepanek, Stephen

Christensen, Chris  
Day, Russell  
Haefner, Robert  
Infantine, William  
McRae, Karen  
Renzullo, Andrew  
Ulery, Jordan

Christiansen, Lars  
Drisko, Richard  
Hawkins, Ken  
Kurk, Neal  
Mooney, Maureen  
Simon, Anthony  
Vaillancourt, Steve

### **MERRIMACK**

Reed, Dennis

### **ROCKINGHAM**

Baldasaro, Alfred  
Carson, Sharon  
Emiro, Frank  
Headd, James  
McKinney, Betsy  
Stiles, Nancy  
Weyler, Kenneth

Bedrick, Jason  
Dalrymple, David  
Fesh, Bob  
Hopfgarten, Paul  
Packard, Sherman  
Waterhouse, Kevin

Bettencourt, David  
Devine, James  
Garcia, Marilinda  
Hutchinson, Karen  
Rausch, James  
Weare, Everett

Camm, Kevin  
Elliott, Robert  
Guthrie, Joseph  
Lund, Howie  
Sanders, Elisabeth  
Welch, David

### **STRAFFORD**

None

### **SULLIVAN**

Rodeschin, Beverly  
and the committee report was adopted.  
Referred to the Committee on Finance.

Rep. Blanchard declared a conflict of interest on **SB 176-FN** and did not participate.

**SB 213-FN-A**, establishing a comprehensive cancer plan fund and making an appropriation therefor, and establishing a comprehensive cancer plan oversight board. **OUGHT TO PASS.**

Rep. Robert G. Bridgham for Health, Human Services and Elderly Affairs: This bill uses some of the bonus money from the tobacco settlement to fund a targeted set of activities in cancer prevention as part of a comprehensive cancer plan, prepared under earlier funding. Approximately 65% of the funds are used for advertising and other efforts to discourage smoking and for help to smokers in quitting. Screening, or related activities, will be funded for breast, cervical, colorectal, and prostate cancer, with special emphasis on low-income populations. An oversight board is established to oversee allocation of moneys from the cancer plan fund. The activities funded will prevent the development of a significant number of important cancers, avoiding the sickness, death, emotional impact, and cost of care that would otherwise have been experienced. Vote 19-0.

Committee report adopted.

Referred to the Committee on Finance.

**SB 215-FN-A**, making an appropriation for AIDS services. **OUGHT TO PASS.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: New Hampshire has a comprehensive program to deal with the variety of services required for those who live with HIV/AIDS that are provided by the following agencies: Community Resource Network (ACORN) in Lebanon, AIDS Response Seacoast (ARS) in Portsmouth, AIDS Services for Monadnock in Keene, the Greater Manchester AIDS in central and southern New Hampshire and the Southern New Hampshire HIV/AIDS Task Force in Nashua. One of the significant sources of income for these agencies was from the Boston Public Health Commission which administers the Ryan White title federal monies. This money is used for drug reimbursement, primary care, case management, mental health, substance abuse, transportation, housing, food services, client advocacy and peer support services. Unfortunately, New Hampshire is not going to continue to receive these funds for essential services. This bill restores one million dollars that will be specifically assigned to the above AIDS service organizations to support the continuation of needed services. The committee unanimously supported the bill. Vote 20-0.

Committee report adopted.

Referred to the Committee on Finance.

**SB 226-FN**, relative to the temporary assistance to needy families (TANF) program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Suzanne S. Butcher for the Majority of Health, Human Services and Elderly Affairs: This bill makes changes to the Temporary Assistance to Needy Families (TANF) program to: 1) reinforce current law that the primary goal of TANF is to move recipients to employment that enables them to support their families; 2) require outcome measures from DHHS that show how well recipients are able to get and keep jobs and earn enough to move out of poverty and no longer need TANF; 3) provide DHHS with five options being used by many other states to meet the federal participation rate and increase flexibility to design programs that move recipients into jobs and out of poverty. After much supportive testimony and two subcommittee hearings, the bill was amended to clearly state that DHHS has the authority to mandate an employment orientation interview as a condition of eligibility for TANF financial assistance. The increased flexibility of programmatic elements will help New Hampshire meet federal participation rates and avoid financial penalties. With regard to fiscal impact, the department agreed the original fiscal note was incorrect and expressed concern only about resources that may be needed to produce the outcome measures. Vote 16-4.

Rep. Peter L. Batula for the Minority of Health, Human Services and Elderly Affairs: The TANF (temporary assistance to needy families) is an assistance program supported by 50% state and 50% federal funding. In most all cases there is a five year maximum lifetime benefit. In 2006 the federal government reauthorized the TANF program as part of the Federal Deficit Reduction Act along with new guidelines for the states. New Hampshire reacted to the new guidelines including a renewed commitment to move people from welfare to work. Failure to meet the federal guidelines states would heavily be financially penalized in the millions. In June of 2006, this legislature passed HB 1331 which would put this state on the pathway to meeting federal guidelines while meeting the educational and training needs of the TANF client. When the 2006, HB 1331, went into effect, over the last 10 months it was evident that HB 1331 was a good working document. As an example, HB 1331 contained a requirement that each client "shall" attend orientation classes peri-

odically which was offered to assist the client in getting more prepared to enter or reenter the workplace. Prior to HB 1331, the orientation attendance/participation was 70% no shows. After HB 1331, participation rose significantly to 75% show which proves in one case that the current program is working. Now SB 226, in the opinion of the minority on the committee, weakens the current state by eliminating the "shall" participate requirement to the "department has the authority to require" which will weaken the bill according to the minority of the committee. Overall the minority is concerned that this change and others in SB 226 would severely weaken the current, ten month old working piece of legislation and end up with less training for the clients and potentially the financial penalty to the state by the feds.

### Majority Amendment (1521h)

Amend RSA 167:79, III(a) as inserted by section 6 of the bill by replacing it with the following:

(a) *The department has the authority to require [an applicant shall attend] appointments necessary for entry into the employment program, including but not [necessarity] limited to the initial orientation interview, as a condition of eligibility for TANF financial assistance in accordance with rules established pursuant to RSA 541-A. The department shall provide an opportunity for an orientation interview within 10 days of the date of application and shall offer referral assistance for child care and transportation.*

On a division vote, 189 members having voted in the affirmative and 92 in the negative, the majority committee amendment was adopted.

Majority committee report adopted.

Referred to the Committee on Finance.

**SB 261**, naming the state law library the John W. King law library. **OUGHT TO PASS.**

Rep. Stephen J. Shurtleff for Judiciary: The late Governor John W. King led a life dedicated to service to the people of New Hampshire. He served as minority leader in the New Hampshire House. He went on to serve three terms as Governor. After he left the governorship he was appointed Associate Justice of the Supreme Court. From that position he rose to become Chief Justice of the New Hampshire Supreme Court. It is only fitting that the State Law Library be named in his honor. Vote 17-2. Committee report adopted and ordered to third reading.

**SB 97**, relative to unemployment administrative contributions and the training fund, and transferring the job training program administered by the department of regional community-technical colleges to the department of resources and economic development. **OUGHT TO PASS.**

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: The bill designates an increased portion of employer contributions for deposit into contingency, reduces the amount deposited in the training fund, and makes deposits into the training fund fixed. This bill also transfers the job training program and funding for the program from the department of regional community technical colleges to the department of resources and economic development. The bill was supported by both the technical colleges and DRED. Vote 12-7.

Rep. DiFruscia moved Recommit.

Rep. Goley spoke against and yielded to questions.

Rep. Gorman spoke in favor and yielded to questions.

Rep. DeChane spoke against.

Rep. DiFruscia spoke in favor.

On a division vote, 142 members having voted in the affirmative and 143 in the negative, the motion failed.

The question now being adoption of the committee report of Ought to Pass.

On a division vote, 153 members having voted in the affirmative and 136 in the negative, the committee report was adopted.

Referred to the Committee on Ways and Means.

### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Campbell moved that the House reconsider its action whereby it adopted the committee report of Ought to Pass on **SB 97**, relative to unemployment

administrative contributions and the training fund, and transferring the job training program administered by the department of regional community-technical colleges to the department of resources and economic development.

Reps. Campbell and Daniel Eaton spoke against.

Rep. DiFruscia spoke in favor.

On a division vote, 130 members having voted in the affirmative and 157 in the negative, the motion failed.

### **REGULAR CALENDAR (CONT'D)**

**SB 195-FN**, relative to unemployment benefits for persons needed to care for family members who are disabled. **OUGHT TO PASS.**

Rep. Franklin C. Bishop for Labor, Industrial and Rehabilitative Services: This bill allows individuals who need to care for disabled family members, who are certified by a licensed physician of the need of full time care, to be eligible for part time benefits. Vote 17-2.

Committee report adopted and ordered to third reading.

**SB 54**, relative to dog license fees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Betsey L. Patten for the Majority of Municipal and County Government: This bill proposes to increase the fee required to license dogs owned or kept in a municipality to be "no more than \$5.00" instead of the current "no more than \$1.00," as stated in RSA 466:39. All dog owners are required to furnish rabies vaccination verification to the municipal clerk prior to licensure. The majority of the committee knows that a rabies vaccination is costly, although there is help for income eligible owners. However the vaccination program is a higher public policy priority than an increase of licensing fees. There was concern by the majority that a license increase might force dog owners to opt out of the successful rabies vaccination program presently in statute. Vote 8-5. Rep. Earle Goodwin for the Minority of Municipal and County Government: The Minority believes that the increase in annual fees required for a dog license at no more than \$5.00 in addition to the current \$1.00 fee is a reasonable fee under the circumstances. This would partially defray the cost of certified mail, supplies, labor, etc., of participating cities/towns. This is enabling and could be less than the \$5.00 and is a small part of the cost of owning a dog, such as shots, food, housing, etc.

Rep. Simon moved Recommit and spoke in favor.

On a division vote, 208 members having voted in the affirmative and 46 in the negative, the motion was adopted.

Recommitted to the Committee on Municipal and County Government.

**(Speaker Norelli in the Chair)**

### **REGULAR CALENDAR (CONT'D)**

**SB 217-FN-A**, establishing the New Hampshire housing and conservation planning program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L. Osborne for the Majority of Municipal and County Government: The majority of the committee feels that the Housing and Conservation Program established by this bill enables the Office of Planning and Energy to administer a program which can aid communities in making decisions regarding housing and conservation issues. The program is voluntary and utilizes grants and has a set of guidelines for the applicants. The program will be overseen by an advisory board consisting of legislation, licenses and conservation interests. This is a program which will try to bridge the differences between development and conservation by creating opportunities for communities to utilize a new planning tool. This is a voluntary grant program which is encouraging communities to look to their future planning needs. The amendment just added legislative members to the board. Vote 9-5.

Rep. Joseph A. Guthrie for the Minority of Municipal and County Government: This bill creates a new Housing and Conservation Planning Program which enables municipalities to apply for matching grants to assist them in their plan for growth and development that permits a balanced housing stock while still considering the natural resources and open space in the municipality is a laudable program. The amendment adds House and Senate members to the advisory committee that will be reviewing and commenting on administrative rules promulgated by the Office of Energy and Planning. The minority of the committee feels that adding funding to any new program is stretching the limit of our taxpayers' ability to cover new costs when there are programs already in place that need attention.



**Majority Amendment (1437h)**

Amend RSA 4-C:29, III as inserted by section 1 of the bill by replacing it with the following:

III. The advisory board shall consist of:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the senate president.

(c) One member appointed by each of the following entities:

(1) The New Hampshire Housing Finance Authority.

(2) The New Hampshire Municipal Association.

(3) The New Hampshire Association of Regional Planning Commission Executives.

(4) The Business and Industry Association of New Hampshire.

(5) The New Hampshire Community Loan Fund.

(6) The Home Builders and Remodelers Association of New Hampshire.

(7) The Land and Community Heritage Commission.

(8) The New Hampshire Preservation Alliance.

(9) The New Hampshire Main Street Program.

(10) The Society for the Protection of New Hampshire Forests.

(11) The Audubon Society of New Hampshire.

(12) The Jordan Institute.

IV. Members of the advisory board shall serve without compensation, except that legislative members of the board shall receive mileage at the legislative rate when attending to the duties of the board.

Majority committee amendment adopted.

Majority committee report adopted.

Referred to the Committee on Finance.

Rep. Reardon declared a conflict of interest on **SB 217-FN-A** and did not participate.

**SB 67-FN-A**, relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick T. Long for Public Works and Highways: The committee feels that continuing with the recommendations of the YDC Master Plan gives relief to the state by subdividing property, preserves certain buildings for possible future use, demolishes buildings that have no historical value, or current operational value, and sells two properties for not less than fair market value. The appropriation of \$200,000 allows this to happen. The two properties are currently valued at \$421,000. The amendment makes the \$200,000 a non-lapsing appropriation from the 2007 budget. Vote 17-0.

**Amendment (1414h)**

Amend the bill by replacing all after section 2 with the following:

3 Appropriation. The sum of \$200,000 is hereby appropriated for the fiscal year ending June 30, 2007 to the department of health and human services for the purpose of implementing section 1 of this act, and such appropriation shall be nonlapsing. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

**SB 68-FN-A**, making an appropriation to the department of environmental services to implement the New Hampshire estuaries project's comprehensive conservation and management plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elisabeth N. Sanders for Resources, Recreation and Development: This bill makes an appropriation to the Department of Environmental Services (DES) to implement the New Hampshire Estuaries Project's comprehensive conservation and management plan. The New Hampshire Estuaries Project (NHEP) has a ten year record of successfully implementing programs that benefit New Hampshire's estuaries, 43 seacoast region communities, and the state. In 2000 a comprehensive management plan was developed by citizens, organizations, industries, local government and state and national agencies, and approved by the New Hampshire governor and the US environmental

services administrator. The specific action items in the plan target the protection of the environment and economies of the state and seacoast region. Funding for the plan's implementation comes from the US EPA. For every federal dollar that the NHEP receives, the NHEP is required to have a non-federal match. This year the federal funding has been cut by \$317,000. The funding amount has been reduced to \$418,000. Therefore, an appropriation in the amount of \$250,000 for Fiscal Year 2008 is necessary to continue to successfully accomplish the estuary monitoring programs, community assistance programs, and strategic planning as it has for the last several years. Vote 14-0.

#### **Amendment (1504h)**

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$250,000 for the fiscal year ending June 30, 2008 and the sum of \$250,000 for the fiscal year ending June 30, 2009 are hereby appropriated to the department of environmental services, for the purposes of implementing the New Hampshire estuaries project's comprehensive conservation and management plan by undertaking activities, making grants, and entering into contracts to accomplish actions identified in the New Hampshire estuaries project's approved implementation plan. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

**SB 73-FN-A**, relative to lottery prizes and administration by the lottery commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Roger G. Wells for the Majority of Ways and Means: A person making minimum wage can lose a half a day's pay in 12 seconds. It is surprising that so many who oppose video gambling are in favor of the \$30 scratch ticket. Scratch tickets are available at hundreds of locations on every street corner, grocery stores and gas stations, while being advertised and promoted by the state. Gambling should have an entertainment component; as video gambling has an entertainment component, the scratch ticket does not. We should not be encouraging retailers to exceed goals with monetary incentives to extract more dollars from customers while at the same time supposedly promoting restraint amongst those with addictions. Vote 13-4.

Rep. Michael G. Marsh for the Minority of Ways and Means: This bill has three purposes: it authorizes the lottery commission to offer a new \$30 scratch-ticket game; it allows the lottery commission to increase sales by offering, at its discretion, incentive awards of up to \$500 to agents meeting or exceeding their sales targets and up to \$30,000 to agents selling a jackpot ticket; and it increases the maximum payout percentage for Tri-State lotto game so we are consistent with the other 2 states that offer the game. Although the House has already given the lottery commission authority for the \$30 scratch ticket in HB 2, the majority was concerned that this new game would be as addictive as slot machines, and so chose to report the bill as ITL. The minority amendment removes the scratch-ticket section from the bill, but retains the remaining two sections, which are important to help the lottery commission meet its revenue targets in the coming biennium.

#### **LAID ON THE TABLE**

Rep. Daniel Eaton moved that **SB 73-FN-A**, relative to lottery prizes and administration by the lottery commission, be laid on the table.

On a division vote, 169 members having voted in the affirmative and 111 in the negative, the motion was adopted.

#### **BILL REMOVED FROM CONSENT CALENDAR**

**SB 236**, extending the authority for police mutual aid. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jessie L. Osborne for Municipal and County Government: The committee felt that this request to allow the police in towns or cities to use mutual aid agreements to legally support each other upon the request of a duly authorized police officer. The department of safety requests this change with the support of the NH Association of Police Chiefs. The amendment makes technical changes. Vote 13-0.

**Amendment (1441h)**

Amend RSA 105:13 as inserted by section 1 of the bill by replacing it with the following:

105:13 Extended Authority.

**I.** The authority of any duly authorized police officer, constable or watchman of any town *or city* shall extend to any other city or town in the state, provided that the chief law enforcement officer of the requesting town or city has executed with the chief law enforcement officer of the responding town *or city* a written agreement which sets forth the terms and conditions under which such assistance may be requested or rendered. The executed agreement shall constitute authorization for every request for assistance, and for any assistance rendered in accordance with the terms and conditions of the written agreement, regardless of whether the responding police officer, constable, or watchman is named in the agreement. In an emergency situation, the ranking on-duty law enforcement official of a town or city is authorized to make an oral request for assistance to the ranking on-duty law enforcement official in the responding town, subject to the terms and conditions of such written agreement, and the authority of the responding police officer, constable, or watchman shall extend to the requesting town. The written agreement shall remain in full force and effect until terminated by the mutual consent of the chief law enforcement officers of each town or city, or until 10 days after the chief law enforcement officer of one town or city has received notification from the chief law enforcement officer of the other town or city of his *or her* intention to terminate.

**II.** *Notwithstanding the provisions of paragraph I, any duly authorized police officer, constable, or watchman shall have temporary police authority in another jurisdiction in the state, when requested by a law enforcement officer from such jurisdiction in the state to render assistance to such officer under such officer's direction in an emergency for the purposes of making an arrest or effecting custody of a detainee, conducting a search, quelling a disturbance, providing traffic or crowd control, or securing a crime scene, until relieved by the requesting officer or otherwise directed by the ranking on-duty officer of the requesting jurisdiction.*

**III.** *Notwithstanding the provisions of paragraph I, any duly authorized police officer, constable, or watchman from a nearby town or city may exercise temporary police authority as necessary to respond to a crime in progress, traffic accident, natural or human-caused disaster, disturbance in progress, or other emergency, if requested by a public safety dispatch center authorized to dispatch for the jurisdiction where the event is occurring, because there is no local officer or state trooper available for immediate response and in the judgment of the dispatch center the public safety requires an immediate response. Such officer's authority shall terminate when relieved by an officer with authority in the jurisdiction receiving the assistance, unless the officer with authority requests assistance pursuant to paragraph II.*

**IV.** *When providing assistance under this section the officer shall remain an employee of his or her respective department.*

Rep. Patten moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Municipal and County Government.

**RESOLUTION**

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 31, 2007 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**SB 29**, updating laws relative to child impact seminars to reflect the implementation of the judicial branch family division.

**SB 80**, relative to qualified minor's trusts.

**SB 152**, relative to permanency planning for delinquent children, abused and neglected children, and children in need of services.

**SB 100**, relative to the authority of a real estate escrow agent to hold funds in the event of a dispute.

**SB 104**, relative to the directory of charitable trusts.

**SB 105**, repealing the bond requirement for fund raising counsel of a charitable trust.

**SB 124**, changing the membership of the economic development matching grants screening committee.

**SB 161-FN**, relative to the registration fees for mortgage servicing companies.

**SB 65-FN**, requiring that the state provide 21 days' written notice to the defendant prior to jury selection for his or her trial of the state's request for an extended term of imprisonment.

**SB 66**, relative to involuntary civil commitment of sexually violent predators and relative to payment of the sex offender registration fee by criminal offenders.

**SB 136**, relative to the attorney general's authority to appoint, organize, and assign investigatory personnel at the department of justice.

**SB 194**, establishing a commission to study the trafficking of persons across borders for sexual and labor exploitation.

**SB 78**, relative to the placement of twins or other multiples in the same classroom.

**SB 28**, redefining the "board of the public employer for the judiciary" in public employee collective bargaining.

**SB 108**, making technical corrections to the probate laws.

**SB 132-FN**, allowing marital masters to be reimbursed for certain expenses and repealing a provision permitting court stenographers to be reimbursed for expenses.

**SB 145-FN**, allowing marital masters and registers and deputy registers of probate to perform notarial acts.

**SB 59**, establishing a committee to study the effect on the unemployment compensation trust fund of employees with negative balance separate accounts.

**SB 69**, relative to exceptions to the confidentiality provisions for certain department of employment security records.

**SB 40**, relative to the modular building code.

**SB 99**, relative to the terms for payment in lieu of taxes for renewable generation facilities.

**SB 118**, increasing fines for certain dog violations.

**SB 160-FN-L**, adding members to the Skyhaven airport operation commission and changing the required completion date for the Skyhaven airport transfer plan.

**SB 50**, relative to the membership of the state veterans' advisory committee and authorizing the state veterans council to accept certain donations and bequests.

**SB 221**, establishing a commission to organize events in celebration of the Abraham Lincoln bicentennial.

**SB 234-FN**, relative to privileges, benefits, and immunities for national guard members.

**SB 187**, relative to motor vehicles operated in parades.

**SB 55-FN**, establishing a committee to study the efficacy of the Master Settlement Agreement and strategies for addressing the financial burden imposed on the state by cigarette smoking and the use of tobacco products.

**SB 87**, making technical corrections to certain lottery commission provisions.

**SB 193**, relative to adjustments to the child support guidelines under special circumstances.

**SB 38**, relative to uninsured or hit-and-run motor vehicle coverage.

**SCR 2**, urging Congress to amend the No Child Left Behind Act.

**SB 47-FN-A**, making a supplemental appropriation for school building aid.

**SB 261**, naming the state law library the John W. King law library.

**SB 195-FN**, relative to unemployment benefits for persons needed to care for family members who are disabled.

## UNANIMOUS CONSENT

Reps. Boyce and Lovett addressed the House.

**RECESS MOTION**

Rep. Wallner moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming a Committee of Conference on **HB 653**, relative to the determination of benefits, funding, and administration of the New Hampshire retirement system.  
Adopted.

The House recessed at 6:00 p.m.

**RECESS**

**(Rep. Daniel Eaton in the Chair)**

**SENATE MESSAGES****CONCURRENCE**

**HB 41**, relative to human immunodeficiency virus education, prevention, and control.

**HB 59**, relative to crossbow hunting by a person with a disability.

**HB 99**, relative to the youth employment law.

**HB 101**, relative to annual training for members of the workers' compensation appeals board.

**HB 117**, creating an exception for the storage of black gunpowder by historical reenactors and certain nonprofit entities.

**HB 152**, relative to public access to meeting minutes.

**HB 158**, requiring insurance companies to allow covered persons to purchase an up-to-90 day supply of covered prescription drugs on the covered person's health plan formulary under certain circumstances.

**HB 189**, relative to swim lines in public waters.

**HB 243**, relative to a rabies immunization exemption.

**HB 301**, relative to nonresident registration of motor vehicles.

**HB 309**, relative to the uniform fine schedule for the fish and game department.

**HB 311**, establishing a committee to review liability issues for commuter rail operations.

**HB 394-FN**, relative to notice to defendants in small claims actions.

**HB 427**, defining construction and demolition debris and certified waste-derived product, and relative to the department of environmental services certifying waste-derived products of the wood component of construction and demolition debris.

**HB 458**, relative to the exemption of replacement or redundant wells from the large groundwater withdrawal permitting process.

**HB 566-FN-L**, relative to the housing of inmates in county correctional facilities.

**HB 571-FN**, relative to full-time seasonal state employees.

**HB 588-FN-L**, relative to Cates Hill Road and Jericho Lake Road in the city of Berlin.

**HB 608-FN**, relative to the number of ballots furnished by the secretary of state for a state general election.

**HB 629-FN**, relative to authorizing continued membership in the Manchester employees' contributory retirement system, and relative to the Nashua public works retirement system.

**HB 701**, relative to the definition of a school district in the case of unincorporated towns or unorganized places.

**HB 714-FN**, relative to motorized watercraft rental agencies.

**HB 753-FN-A**, relative to the electronic toll collection transponder inventory fund.

**HB 889-FN**, relative to securities regulation.

**HB 911-FN-L**, establishing an automated external defibrillator advisory commission.

**HCR 3**, urging that New Hampshire members and veterans of the armed forces and national guard and their dependents receive health screening for depleted uranium exposure.

**HJR 1**, urging that more veterans' mental health counseling centers be established in New Hampshire and urging that funding be continued for the Manchester Veterans' Center.

**NONCONCURRENCE**

**HB 93**, relative to use of the child support guidelines worksheet.

**HB 139**, relative to the reporting of burn injuries.

**HB 324**, relative to the use of artificial trans fats and saturated fats in food prepared and served in public schools.

**HB 424-FN-A**, relative to industrial hemp and establishing an industrial hemp special program fund.  
**HB 604-FN**, prohibiting the taking of deer from baited areas.  
**HB 755-FN**, relative to transfers of motor vehicle permits.

### RE-REFERRED TO COMMITTEE

**HB 715**, establishing a committee to study the state heritage collections committee and the joint legislative historical committee.

### LAID ON THE TABLE

**HB 71**, prohibiting the sale, rent, lease, transfer, or distribution of records, information, or lists of licensed dog owners in New Hampshire to another person by the town clerk's office.  
**HB 244**, repealing a certain provision of law regarding advance directives and mentally incompetent or developmentally disabled persons.  
**HB 513**, establishing a housing commission.  
**HB 566-FN-L**, relative to the housing of inmates in county correctional facilities.  
**HB 597-FN**, relative to expenditure caps for institutional health facilities under the certificate of need law.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 152, 153, 468 and 911.

Rep. Hager, Sen. D'Allesandro for the Committee

### RECESS

(Rep. Clemons in the Chair)

### SENATE MESSAGES

### CONCURRENCE

**HB 61**, designating segments of the Ammonoosuc River into the rivers management protection program.  
**HB 135**, establishing the second Sunday in October as Firefighters Memorial Day.  
**HB 144**, relative to operation of boats on Spectacle Pond.  
**HB 191**, relative to the authority to unseal ballots following a state election.  
**HB 213**, relative to the availability of school nutrition program funds for charter school and nonpublic schools.  
**HB 219**, relative to the membership of the wetlands council.  
**HB 251**, relative to the authority of the agricultural advisory board.  
**HB 312-FN**, relative to alternative providers for certain health services.  
**HB 338**, requiring the plumbers' board to report on the feasibility of reestablishing reciprocity with neighboring states in licensing of plumbers.  
**HB 418**, relative to RV friendly highway signs.  
**HB 440-FN**, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting.  
**HB 459**, relative to the identification of wells and monitoring wells.  
**HB 472-FN**, increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements.  
**HB 547-FN**, relative to the inspection of trucks.  
**HB 556**, relative to school emergency response plans.  
**HB 705**, relative to the disposal of highway or turnpike funded real estate.  
**HB 859**, relative to the definitions of agriculture and farming in the motor vehicle laws.  
**HB 907-FN**, relative to the sale and distribution of certain mercury-added products.  
**HB 918-FN**, relative to motor vehicle registrations for manufacturers.

### NONCONCURRENCE

**HB 147**, relative to counting kindergarten pupils in charter school attendance.  
**HB 451-FN**, relative to the application of non-state sources of funding to catastrophic special education costs.

**RE-REFERRED TO COMMITTEE**

**HB 379**, relative to the adoption, revision, and amendment of municipal charters.

**LAIID ON THE TABLE**

**HB 523**, relative to lobbyist registration and statements, and regulation of volunteer public service.

**ENROLLED BILL AMENDMENT**

**HB 889-FN**, relative to securities regulation.

**Amendment (1708-EBA)**

Amend line 2 of RSA 421-B:2, IV-a(a)(2) as inserted by section 3 of the bill by replacing it with the following:

in paragraph II, regularly conducts the business of effecting any transactions in, or inducing Amend line 1 of RSA 421-B:2, IV-a(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Notwithstanding the exclusions provided in subparagraph IV-a(a)(2), any location that Amend line 2 of RSA 421-B:7, VII(d)(2)(D) as inserted by section 7 of the bill by replacing it with the following:

*investment advisory contract with a client, the investment adviser will obtain from such*  
Adopted.

**RECESS**

**(Rep. Irwin in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 41, 99, 101, 117, 158, 189, 243, 311, 394, 428, 566, 571, 588, 608, 629, 701, 714 and 753 and House Joint Resolution number 1.

Rep. Hager, Sen. D'Allesandro for the Committee

**RECESS**

**(Rep. Foster in the Chair)**

**SENATE MESSAGES****CONCURRENCE**

**HB 49**, relative to eligibility for admittance to the New Hampshire veterans' home.

**HB 102**, defining "food" for purposes of the alcoholic beverage laws.

**HB 180-FN**, relative to pay and allowances for officers and enlisted members of the national guard.

**HB 221**, removing the requirement that the department of transportation report certain information relative to highway activity to the department of administrative services.

**HB 248**, eliminating separate dedicated accounts in the fish and game department and transferring the sums into the fish and game fund.

**HB 252-FN**, relative to exemptions from the permitting process for excavating and dredging.

**HB 336**, requiring notice of the classifications of employee and independent contractor.

**HB 344**, relative to conduct of recounts.

**HB 395-FN**, relative to penalties for computer crime.

**HB 439**, relative to certain rulemaking authority of the commissioner of environmental services.

**HB 446**, relative to criminal threatening in a safe school zone.

**HB 448-L**, relative to early renewals of vehicle registrations.

**HB 480**, relative to party columns listing names on ballots.

**HB 534**, relative to political committees of political parties.

**HB 554**, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office in Concord.

**HB 598-FN-A**, repealing certain foreign dividend deductions under the business profits tax and repealing an exemption to the real estate transfer tax.

**HB 599-FN**, relative to fees for meals and rentals licenses.

**HB 602-FN**, relative to child support enforcement.

**HB 623-FN**, establishing a game management account in the fish and game fund and transferring certain other fish and game accounts into the game management account.

**HB 703**, relative to day reporting programs in the county department of corrections.

**HB 733-FN**, relative to certain authority and procedures of the department of revenue administration.

**HB 743**, relative to the rights of crime victims while making a victim impact statement.

**HB 813-FN**, expanding the definition of income of the land conservation investment program monitoring endowment.

**HB 844-FN**, authorizing the commissioner of revenue administration to issue demands for records for purposes of interest and dividends tax audits and to seize and destroy unstamped and invalidly stamped tobacco products.

**HB 849**, relative to rent payments by voucher issued by a state or municipal agency.

**HB 866**, relative to the right-to-know law application to public utilities commission matters.

### NONCONCURRENCE

**HB 81**, relative to required pay for employees called into work.

**HB 164**, prohibiting school personnel from recommending the use of psychotropic medications for any child.

**HB 553-FN-A**, requiring the state to pay legal fees for certain supreme court justices and making an appropriation therefor.

**HB 568-FN**, repealing the option to purchase nonqualified service credit in the New Hampshire retirement system.

**HB 587-FN**, relative to the duties of probation and parole officers.

**HB 652-FN**, relative to the collection of debts owed to the state.

**HB 665-FN**, relative to the comprehensive shoreland protection act.

**HB 857-FN-L**, relative to permitting responsibilities under the comprehensive shoreland protection act.

### RE-REFERRED TO COMMITTEE

**HB 351**, clarifying that the definition of "overseas business organization" includes all foreign incorporated business organizations and all 80/20 business organizations, and redefining "business activity" for purposes of the business profits tax.

**HB 754-FN**, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority.

**HCR 6**, a resolution urging Congress to prevent the implementation of the North American Free Trade Agreement superhighway system.

**HCR 8**, a resolution urging Congress to rename the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital.

### LAI D ON THE TABLE

**HB 205**, relative to procedures for certain court ordered out-of-district placements.

**HB 239-FN-A**, appropriating funds to the barn preservation fund matching grants program.

**HB 263-FN**, relative to health insurance riders.

**HB 407-FN-A**, relative to assistance for milk producers.

**HB 504-FN**, relative to registration requirements for certain criminal offenders under age 21.

**HB 721**, relative to the appropriation to the department of health and human services for rates paid for nursing services.

**HB 749**, changing the position of forensic toxicologist within the department of safety from an unclassified to a classified position.

**HB 828-FN**, relative to a state ethics officer.

**HB 903-FN**, prohibiting delivery of oil to non-compliant underground storage facilities.

### ENROLLED BILL AMENDMENTS

**SB 136**, relative to the attorney general's authority to appoint, organize, and assign investigatory personnel at the department of justice. (Amendment printed SJ 6-7-07)  
Adopted.

**SB 152**, relative to permanency planning for delinquent children, abused and neglected children, and children in need of services. (Amendment printed SJ 6-7-07)  
Adopted.

### RECESS

### (Speaker Norelli in the Chair)

Rep. Wallner moved that the House adjourn.  
Adopted.



**HOUSE JOURNAL No. 17**

Thursday, May 31, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

Thank you, O God, for this day. Thank you for the work before us; the proposals for salary adjustment fund, tuition waivers for foster children and interpretation services for those receiving medical treatment and all the others. But thank you especially for one another, for all of these Representatives gathered here today, these men and women, sons and daughters, fathers and mothers, brothers and sisters, friends who have willingly forfeited time and resources to serve the rest of us. You know, and we know, O God, that often their only rewards are long days, growling stomachs and occasional headaches. So be with them in their work today that they may leave today having sensed in some small way the gift of Your blessing. And to these prayers we add a prayer for those in the House and in our circles of connection who suffer in health or spirit today. Be their healing and their hope, for we ask it in Your Holy name. Amen.

Rep. Sid Lovett, member from Holderness, led the Pledge of Allegiance.

The National Anthem was sung by Elaine Weatherby, a 5<sup>th</sup> grade student at the Marston School in Hampton.

**LEAVES OF ABSENCE**

Reps. Arsenault, Claudia Chase, Forest, Forsing, Hebert, Hopfgarten and Stephen Johnson, the day, illness.

Reps. Carolyn Brown, DeJoie, Foose, Garcia, Greco, Henson, Jeudy, Kepner, Laliberte, Scott Merrick, Benjamin Moore, Morrison, Parkhurst, Plifka, Rochette and Velez, the day, important business.

Reps. Hackel and Mickelonis, the day, illness in the family.

Reps. Clemons and Stephanie Eaton, the day, death in the family.

**INTRODUCTION OF GUESTS**

David and Lee Weatherby, parents of the singer, guests of the House. Doug Flockhart, husband of Rep. Flockhart. Honorable John Laurent, former member from Westmoreland, guest of Rep. Carson. Carolyn Carruth, guest of Rep. Merrow. Jennifer Porter, sister-in-law of Rep. Porter. Members of the 4<sup>th</sup> grade class of Wentworth Elementary School, guests of the Wentworth delegation. Robin and Myra Gray, guests of Rep. Owen. Bill and Susan Kuhn, guests of Rep. Ehlers.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 86**, establishing a committee to study educational and social services programs that serve families with children 6 years old and younger. (Amendment printed SJ 5-10-07)

Rep. Gile moved that the House concur and spoke in favor.

Adopted.

**HB 495**, relative to criminal record and central registry checks of prospective foster and adoptive parents and relative to the custody of a child placed by the court in a delinquency proceeding or a proceeding for a child in need of services (CHINS). (Amendment printed SJ 5-10-07)

Rep. Gile moved that the House concur and spoke in favor.

Adopted.

**HB 499**, relative to the innovative research center. (Amendment printed SJ 5-24-07)

Rep. Reardon moved that the House concur and spoke in favor.

Adopted.

**HB 782-FN**, relative to reinsurance intermediaries and conduct of examinations. (Amendment printed SJ 5-17-07)

Rep. Reardon moved that the House concur and spoke in favor.

Adopted.

**HB 790-FN**, relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives. (Amendment printed SJ 5-10-07)  
Reps. Reardon and Marjorie Smith moved that the House concur.  
Rep. Reardon spoke in favor.  
Adopted.

**HB 921-FN**, making technical changes in the insurance laws. (Amendment printed SJ 5-10-07)  
Rep. Reardon moved that the House concur and spoke in favor.  
Adopted.

**HB 64-FN**, relative to driving a commercial motor vehicle while violating an out-of-service order. (Amendment printed SJ 5-24-07)  
Rep. William Knowles moved that the House concur and spoke in favor.  
Adopted.

**HB 719**, relative to the statute of limitations for fire code violations. (Amendments printed SJ 5-24-07)  
Rep. William Knowles moved that the House concur and spoke in favor.  
Adopted.

**HB 142**, relative to the sale of out-of-state animals. (Amendment printed SJ 5-17-07)  
Rep. Phinizy moved that the House concur and spoke in favor.  
Adopted.

**HB 207**, establishing a commission to study and make recommendations on the expansion of the New Hampshire Agricultural Innovation Program. (Amendment printed SJ 5-10-07)  
Rep. Phinizy moved that the House concur and spoke in favor.  
Adopted.

**HB 482**, adding the song "Live Free or Die" as an official state song. (Amendment printed SJ 5-10-07)  
Rep. Irwin moved that the House concur and spoke in favor.  
Adopted.

**HB 543**, establishing a commission to study the licensing process for licensed alcohol and drug counselors. (Amendment printed SJ 5-3-07)  
Rep. Irwin moved that the House concur and spoke in favor.  
Adopted.

**HB 46-FN-A-L**, making an appropriation to fund kindergarten programs in the towns of Merrimack, Hampstead, Goffstown, and Fremont, and in the Timberlane regional school district. (Amendment printed SJ 5-10-07)  
Rep. Marjorie Smith moved that the House concur and spoke in favor.  
Adopted.

**HB 590-FN**, changing the state migratory waterfowl stamp into a license issued by the fish and game department. (Amendment printed SJ 5-24-07)  
Rep. Abbott moved that the House concur and spoke in favor.  
Adopted.

**HB 273-FN**, relative to special needs trusts. (Amendment printed SJ 5-10-07)  
Rep. Rosenwald moved that the House concur and spoke in favor.  
Adopted.  
Rep. Itse declared a conflict of interest on **HB 273-FN** and did not participate.

**HB 286**, relative to a Medicaid waiver for family planning services. (Amendment printed SJ 5-3-07)  
Rep. Rosenwald moved that the House concur and spoke in favor.  
Adopted.

**HB 926-FN**, relative to the regulation of pharmacies and pharmacists. (Amendment printed SJ 5-17-07)  
Rep. Rosenwald moved that the House concur and spoke in favor.  
Adopted.

**HB 303**, allowing Sunday dancing and repealing the prohibition on transporting moving picture films aboard passenger train cars. (Amendment printed SJ 5-17-07)  
Rep. David Cote moved that the House concur and spoke in favor.  
Adopted.

**HB 426**, relative to workers' compensation rates and resolution of disputes relative to classification of employees or independent contractors. (Amendments printed SJ 5-10-07)  
Rep. Mears moved that the House concur and spoke in favor.  
Adopted.

**HB 218**, relative to chief firewards, engineers, or fire chiefs. (Amendment printed SJ 5-17-07)  
Rep. Theberge moved that the House concur and spoke in favor.  
Adopted.

**HB 226**, relative to the investment of trust funds. (Amendment printed SJ 5-17-07)  
Rep. Theberge moved that the House concur and spoke in favor.  
Adopted.

**HB 256**, relative to the duties and powers of town treasurers. (Amendments printed SJ 5-17-07)  
Rep. Theberge moved that the House concur and spoke in favor.  
Adopted.

**HB 551**, allowing cities to use capital reserve funds for debt replacement. (Amendment printed SJ 5-3-07)  
Rep. Theberge moved that the House concur and spoke in favor.  
Adopted.

**HB 466-L**, relative to removal of vehicles from state park and ride lots. (Amendment printed SJ 5-17-07)  
Rep. Bouchard moved that the House concur and spoke in favor.  
Adopted.

**HB 56**, relative to the definition of agritourism. (Amendments printed SJ 5-10-07)  
Rep. Spang moved that the House concur and spoke in favor.  
Adopted.

**HB 648**, establishing a commission to develop a comprehensive flood management plan. (Amendment printed SJ 5-17-07)  
Rep. Spang moved that the House concur and spoke in favor.  
Adopted.

**HB 104**, relative to renewal of drivers' licenses by certain national guard members. (Amendment printed SJ 3-29-07)  
Rep. Roberts moved that the House concur and spoke in favor.  
Adopted.

**HB 188**, excluding certain watercraft from the definition of ski craft. (Amendment printed SJ 5-10-07)  
Rep. Ryan moved that the House concur and spoke in favor.  
Adopted.

**HB 247**, allowing surviving spouses to retain temporarily special number plates for veterans. (Amendment printed SJ 5-10-07)  
Rep. Ryan moved that the House concur and spoke in favor.  
Adopted.

## COMMITTEE REPORTS CONSENT CALENDAR

Rep. Wallner moved that the Consent Calendar as printed in the day's House Record be adopted.  
Consent Calendar adopted.

Rep. Robert Johnson declared a conflict of interest on **SB 106** and did not participate in the vote on the Consent Calendar.

Rep. Coughlin declared a conflict of interest on **SB 30**, **SB 113** and **SB 170** and did not participate in the vote on the Consent Calendar.

**SB 168-FN**, establishing tuition waivers for foster children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jane B. Johnson for Children and Family Law: This bill as amended establishes tuition waivers for foster children at any public postsecondary institution in the state of New Hampshire. The postsecondary education commission is tasked with establishing eligibility, rules, creation of application form and deadline, and provisions for continuing eligibility. No more than 20 tuition waivers shall be granted to those children with greatest financial need. The Division of Children, Youth and Families shall submit an annual report to the Health and Human Services Oversight Committee and the House Children and Family Law Committee detailing the status of the tuition waiver program. Vote 14-0.

**Amendment (1699h)**

Amend RSA 188-D:43, III as inserted by section 1 of the bill by replacing it with the following:

III.(a) Eligible individuals interested in a tuition waiver shall annually apply to the postsecondary education commission on a form provided by the commission and within the deadlines established by the commission. No more than 20 tuition waivers per year shall be granted. The postsecondary education commission shall adopt rules, pursuant to RSA 541-A, relative to the development of eligibility criteria designed to give the children with the greatest financial need first priority in the tuition waiver program, the creation of an application form, application deadlines, and provisions for continuing eligibility which require continued full-time enrollment as provided in this section and maintaining satisfactory academic progress as defined by the institution.

(b) Beginning November 1, 2008, and no later than November 1 each year thereafter, the division of children, youth and families shall submit a report to the health and human services oversight committee, established in RSA 126-A:13, and the house children and family law committee, or their successor committees, detailing the status of the tuition waiver program.

**SB 70-FN**, relative to external review for disability income policies. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce: This bill would have duplicated the external review process for disputed disability insurance claims that is currently used in the health insurance dispute process. Unfortunately, the two types of disputes are not readily comparable. A health insurance claim dispute is generally a case of whether a procedure or medicine is medically necessary and is a discreet one-time decision. A disability claim dispute may be ongoing and may change over the life of the claimant. At the current time, these disputes are generally resolved either by the Department of Insurance in cases such as a minor delay of payment or for more complicated disputes through litigation. External review for these cases could mean the parties would keep going to review every year or every time progress on the case is reviewed for the duration of the disability. The committee believes that litigation should be a last resort and that third party mediation is generally a good idea. However this particular solution did not fit with the substantially more complicated issues faced in disability claims the way that it works for claims of medical necessity for health insurance disputes. Vote 14-0.

**SB 76-FN-L**, establishing a commission to study the proper allocation of costs for transporting convicted persons and methods for minimizing the costs of transporting convicted persons. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill establishes a commission to study who should pay the costs for transporting convicted persons and identify ways to reduce those costs. Current technologies are in limited use to allow video arraignments and certain court procedures. More use of these might eliminate some costs. This commission could examine items such as this. The amendment deletes the first paragraph which contains the conclusion that the Department of Corrections should bear the cost and reimburse the officers for that service beginning July 1, 2009. The committee felt the commission could make that judgment and added a county attorney and the Attorney General or designee to the commission. Vote 15-0.

**Amendment (1369h)**

Amend the bill by replacing section 1 with the following:

1 Findings and Purpose. The general court finds that the costs of transporting persons convicted of felonies are high and will become excessive. Technologies exist which can reduce those costs, through teleconferencing and other forms of high speed communication. Therefore, it shall be state policy to establish, by January 1, 2010, technological infrastructure which will minimize the physical transportation of convicted persons.

Amend paragraph I of section 3 of the bill by replacing it with the following:

I. The members of the commission shall be as follows:

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Four members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The attorney general, or designee.
- (d) The commissioner of the department of corrections, or designee.
- (e) Two members representing the judicial branch, appointed by the chief justice of the supreme court.
- (f) One criminal defense attorney, appointed by the governor.
- (g) One member appointed by the county attorneys affiliate of the New Hampshire Association of Counties.

**SB 128-FN**, establishing an enhanced penalty for injuring another as a result of resisting arrest. **OUGHT TO PASS.**

Rep. William V. Knowles for Criminal Justice and Public Safety: It is currently a misdemeanor when a person knowingly or purposely physically interferes with a law enforcement officer seeking to affect an arrest. This bill makes it a Class B felony to cause serious bodily injury to another while resisting arrest. Vote 14-2.

**SB 53**, relative to membership of the board of trustees of the regional community-technical colleges. **OUGHT TO PASS.**

Rep. Judith T. Reeve for Education: This bill establishes a non-voting, ex-officio position for the Commissioner of the Department of Employment Security on the Board of Trustees of the Community Technical College System. Employment Security brings to the table 70 years of knowledge and experience in the workforce development system. In today's world an effective educational system must be closely linked with the work force needs of employers and workers. Educational curriculums must offer training in high demand occupations and in growth industries to ensure job opportunities for graduates. Vote 14-0.

**SCR 4**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. **OUGHT TO PASS.**

Rep. Nancy F. Stiles for Education: As stated this Resolution urges the President and Congress, prior to spending any surplus in the federal budget, to fund 40% of the average per pupil expenditure in public elementary and secondary schools as promised in the Individuals with Disabilities Education Act (IDEA). Currently New Hampshire receives less than 17% of those costs, which places the financial responsibility on the local school district. IDEA has given children the opportunity to reach their greatest potential. Now the promised federal funding needs to follow. Vote 17-0.

**SB 159-FN-L**, relative to polling place arrangement and accessibility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B. Drisko for Election Law: The intent of this bill is to modify the requirements for accessible voting booths, bringing them into compliance with the New Hampshire Building Codes and the American with Disabilities Act of 1990. Also established are minimum requirements for number of voting booths and authorizes the bill table top voting screens. Vote 17-1.

#### **Amendment (1640h)**

Amend RSA 658:9, IV-V as inserted by section 1 of the bill by replacing it with the following:

**IV. In addition to the voting booths described in paragraphs II and III, each polling place shall have table-top voting screens available for use in an election. Each voting screen shall consist of 3 panels, to be positioned on a table or similar surface so that when a voter is marking a ballot he or she is provided privacy. Each panel of the screen shall be at least 17 inches high and 15 inches wide.**

**V.(a) Each polling place shall have available for use in an election at least 2 of the voting booths described in paragraph II, one of the voting booths described in paragraph III, and 2 of the voting screens described in paragraph IV.**

**(b) The minimum number of voting booths and screens that shall be erected for an election shall be as follows:**

*(1) For a general election where votes will be cast for president, one for every 100 voters on the checklist. This requirement may be modified with the approval of the secretary of state and the attorney general for specific polling places, if conditions within the polling place will not permit the required number of voting booths. Under no circumstances shall the required number of voting booths drop below one booth for every 125 voters for a general election where votes will be cast for president.*

*(2) For a general election where votes will not be cast for president, one for every 125 voters on the checklist.*

*(3) For all other elections, including the state primary election, one for every 150 voters on the checklist.*

*(c) The minimum requirements established in subparagraph (b) may be satisfied with any combination of booths or screens, provided that no more than 50 percent of the minimum requirement is satisfied by voting screens and that the requirements of subparagraph (a) are also met. The moderator may require that booths or screens exceeding the minimum number be erected or available at the polling place. This section shall not be interpreted to mandate the erection of voting screens if there are sufficient booths to satisfy the requirements of subparagraph V(b).*

**SB 207**, extending the committee to study the funding necessary to operate the hazardous materials program in New Hampshire. **OUGHT TO PASS.**

Rep. J. David Knox for Environment and Agriculture: The committee agreed that there is a need to adequately fund first responders to hazardous materials incidents, but many in the regulated community still seem to have concerns, issues and questions regarding this funding. After hearing testimony from all of the stakeholders, we agreed that there is a need for more study to analyze the funding needs and potential funding sources, and, therefore, believe the study committee should be continued another year. Vote 15-0.

**SB 46**, requiring criminal conviction record checks of all applicants to practice medicine in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I. Millham for Executive Departments and Administration: This bill requires criminal background checks for all applicants for licensure or reinstatement before the Board of Medicine and the Board of Nursing. The bill was requested by both the Board of Medicine and the Board of Nursing. The cost of this requirement will be borne by the applicant. This is an addition to the licensure elements intended to protect the public. Vote 17-0.

#### **Amendment (1797h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring criminal history record checks of all applicants to practice medicine in New Hampshire, and revising the criminal history record checks under the nurse practice act.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Physicians and Surgeons; Applicants; Criminal History Record Checks. Amend RSA 329 by inserting after section 11 the following new section:

329:11-a Criminal History Record Checks.

I. Every applicant for initial permanent licensure or reinstatement shall submit to the board of medicine a notarized criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the board.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The board shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board.

IV. The board shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

2 Qualifications and Licensees; Subparagraph Added. Amend the introductory paragraph of RSA 329:12, I(c) to read as follows:

(c) *Submit a complete set of fingerprints and a notarized criminal history record release form pursuant to RSA 329:11-a.*

(d) Demonstrate to the reasonable satisfaction of the board that the applicant:

3 Action on Applications. Amend RSA 329:14, I to read as follows:

I. The board shall make no final decision concerning the qualifications of a new or reinstatement applicant until it has received the results of all required examinations, *criminal history record checks*, and all third-party certifications required to be submitted with the license application, and the time periods specified by RSA 541-A:29 shall be calculated from the date the last of the required documents is received by the board.

4 New Section; Physician Assistants. Amend RSA 328-D by inserting after section 3 the following new section:

328-D:3-a Criminal History Record Checks.

I. Every applicant for initial permanent licensure or reinstatement shall submit to the board a notarized criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the board.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The board shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board.

IV. The board shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

5 New Subparagraph; Physician Assistants; Conditions of Licensure. Amend RSA 328-D:3, I by inserting after subparagraph (d) the following new subparagraph:

(e) Submit a complete set of fingerprints and a notarized criminal history record release form pursuant to RSA 328-D:3-a.

6 Nurse Practice Act; Criminal History Record Check. RSA 326-B:15 is repealed and reenacted to read as follows:

326-B:15 Criminal History Record Checks.

I. Every applicant for initial licensure shall submit to the board a notarized criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the board.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The board shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board. The board shall maintain the confidentiality of all criminal history records information received pursuant to this section.

IV. The applicant shall bear the cost of a criminal history record check.  
7 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires all physician and physician assistant applicants for licensure or reinstatement before the board of medicine to submit to a criminal history records check.

The bill also revises the authority for criminal history records check under the nurse practice act.

**SB 81**, relative to the state building code. **OUGHT TO PASS.**

Rep. Patricia M. McMahon for Executive Departments and Administration: This bill updates the state building code and was requested by the State Building Code Board. The code is updated to remain current with the international code. Vote 17-0.

**SB 231**, exempting certain department of corrections practices and procedures from the provisions of RSA 541-A. **OUGHT TO PASS.**

Rep. John Reagan for Executive Departments and Administration: This bill reinstates the authority of the Department of Corrections commissioner to promulgate rules regulating the behavior of inmates. The commissioner's authority would be established under RSA 541-A:21 I. Lacking this authority, each protest of prison rules would have to be heard at a level higher than prison authorities at great added expense to an already overburdened legal expense in the Department of Corrections. Vote 17-1.

**SB 260-FN**, relative to the location and budget practices of the lottery commission. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: Currently the Lottery Commission must have its office in Concord which places it in a difficult position when negotiating a lease. This bill does two things: 1) it allows the commission to have its office in Concord or any surrounding community; 2) it requires the commission to submit an operating budget to the General Court. Currently, salaries and expenses are paid as long as sufficient monies are available. This will bring the Lottery Commission in line with other state agencies. Vote 17-0.

**SB 129-FN**, requiring interpretation services upon request for persons receiving medical treatment. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert G. Bridgham for Health, Human Services and Elderly Affairs: This bill would require that any patient admitted to a hospital could speak with an appropriate bilingual clinician, or, if one is unavailable, have access to a qualified medical interpreter or a telephonic or televiewing interpreter service. The bill also specifies the qualifications of a "qualified medical interpreter." Federal statute and related guidance covers assistance to individuals with limited proficiency in English. It was the belief of the committee that the federal law deals with this issue comprehensively and with appropriate flexibility, and that this bill is not necessary and would reduce the flexibility needed to serve patients for whom interpretation may be needed. Vote 16-0.

**SB 139-FN**, relative to the asset transfer penalty in Medicaid. **OUGHT TO PASS.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill clarifies the undue hardship section regarding an asset transfer penalty in Medicaid. The federal government has not supported the imposition of asset transfer penalties when an undue hardship exists. This bill adds language to the existing statute that clearly represents the longstanding federal law requirement. The committee unanimously supported this important clarification of the undue hardship section of existing law. Vote 17-0.

**SB 153**, establishing a committee to study changing statutory references to "mental retardation." **OUGHT TO PASS WITH AMENDMENT.**

Rep. Evalyn S. Merrick for Health, Human Services and Elderly Affairs: This bill, as amended, establishes a commission which now includes representation from those organizations whose people are being served and are most directly affected by a change to the reference "mental retardation." The committee felt that decreasing the number of legislators gave added voice to the constituent populations. A very important part of establishing the study committee is to examine how, and if, the meaning of related statutes might change as a result of changing the references to mental retardation. It was also acknowledged that, although the intent of the bill is to change how individuals with mental challenges are perceived, and the goal of the committee is to that end, any new reference, although very positive in theory, is still a label. Vote 16-0.



**Amendment (1397h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study changing statutory references to “mental retardation.”

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study changing statutory references to “mental retardation.”

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Two members of the senate, appointed by the president of the senate.

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of health and human services, or designee.

(d) The executive director of People First of New Hampshire, or designee.

(e) The head of the bureau of special education, department of education.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study the feasibility and consequences of changing statutory references to “mental retardation.” The commission shall consider specific alternative language and shall consider how such a change may be implemented so as not to jeopardize any relevant program eligibility standards.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2007.

6 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill establishes a commission to study changing statutory references to “mental retardation.”

**SB 182**, establishing a committee to study the confidentiality of health care records in abuse and neglect proceedings. **OUGHT TO PASS.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill establishes a committee of two members of the Senate and three members of the House of Representatives to study the confidentiality of health records in abuse and neglect proceedings. Specifically, the committee will study a health provider’s responsibility and obligation to provide or withhold records from a parent or a guardian during an investigation where abuse or neglect has been alleged. There is a sensitive issue that does merit serious study. Vote 16-0.

**SB 184-FN**, relative to residential home care services providers. **OUGHT TO PASS.**

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: This bill expands the pilot residential home care program to allow people to stay in their home community. It is cost efficient. There is a need for respite beds; simply it will be faster to place people and couples could go to the same home. The supervising agency is involved in developing a care plan and maintaining oversight. This is a voluntary program. Vote 16-0.

**SB 30**, combining the judicial branch salary adjustment fund and the judicial branch benefit adjustment account into a single fund. **OUGHT TO PASS.**

Rep. Bette R. Lasky for Judiciary: This bill combines the judicial branch salary adjustment fund and the judicial branch benefit adjustment account into a single fund. Both are lapsing funds and lately the benefit adjustment account has been used up with money left in the salary adjustment fund where it isn’t needed. Merging the two funds will allow the money in both funds to be better utilized. The Administrative Department is in favor of this bill and there will be no fiscal impact. Vote 18-0.

**SB 107**, authorizing the judicial branch family division and the superior court to use bail commissioners in civil cases. **OUGHT TO PASS.**

Rep. Lucy M. Weber for Judiciary: Bail commissioners are currently used to fix and receive bail in criminal cases. This bill extends the practice, when needed, in civil or family division cases. Examples of the use of bail commissioners would be when there is an issue of non-appearance of a party, or non-payment of a judgment. Vote 14-0.

**SB 109**, relative to emergency powers of the supreme court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gail C. Morrison for Judiciary: This bill as amended allows the judicial branch a process to respond to a public emergency by ordering a suspension of time deadlines and rules of procedure in the courts for up to twenty-one days. There is a procedure for renewal of the suspension order. The order may be terminated by a majority vote of both houses of the legislature. Vote 18-0.

#### **Amendment (1764h)**

Amend RSA 490:6-a as inserted by section 1 of the bill by replacing it with the following:  
490:6-a Emergency Powers.

I. The chief justice of the supreme court or, if the chief justice is unavailable, the most senior associate justice available, shall have the power, upon the request of the governor, attorney general, or the chief judge of any court, or on his or her own motion, in the event of a state of emergency, as defined in RSA 21-P:35, VIII, to enter such order or orders as may be appropriate to suspend, toll, or otherwise grant relief from time deadlines imposed by otherwise applicable statutes and rules of procedure for a period of up to 21 calendar days, including, without limitation, those affecting speedy trial procedures in criminal and juvenile proceedings, all civil process and proceedings, and all appellate time limitations. Such order or orders may be renewed by a majority of the justices of the supreme court as justice may require; provided, however, that any such renewal with respect to applicable statutes shall be effective only upon the concurrence of the governor or, in the governor's absence, the attorney general.

II. The general court may terminate any order entered pursuant to paragraph I of this section to the extent that it deals with applicable statutes by concurrent resolution adopted by a majority vote of each chamber. The justices' authority to renew such an order to the extent that it deals with applicable statutes shall terminate upon the adoption of a concurrent resolution under this paragraph.

**SB 113-FN**, relative to the position of special justice in the district court. **OUGHT TO PASS.**

Rep. Stephen J. Shurtleff for Judiciary: This bill, through attrition, will eliminate the position of "Special Justice" of the District Court. The duties currently performed by the Special Justices will be performed by the full and part-time District Court judges. The bill does allow for the appointment of a Special Justice in the future, but only if the Supreme Court certifies in writing to the Governor the justification for such an appointment. The Administrative Office of the Courts supports this bill, feeling that this position is no longer needed. Vote 16-0.

**SB 170-FN**, establishing an office of mediation and arbitration within the judicial branch. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bette R. Lasky for Judiciary: This bill establishes an Office of Mediation and Arbitration within the judicial branch. The purpose of this office will be to develop and implement dispute resolution processes which will increase citizen satisfaction with the legal system, provide affordable justice, shorten litigation time and contention, empower participants to make their own decisions regarding personal matters and enhance court efficiency. SB 170 also combines the probate court mediation fund and the court mediation funds established by RSA 490:27 II and RSA 503:4 II into a separate fund known as the Mediation and Arbitration Fund which shall be used to help fund paid mediation and arbitration in the judicial branch and support the Office of Mediation and Arbitration. Lastly court rules deal with the participant's ability to "opt out" of the mediation process and they can do so. Vote 16-0.

#### **Amendment (1514h)**

Amend RSA 490-E:4, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) All moneys collected pursuant to RSA 490:27, II and RSA 503:4, II.

**SB 208**, relative to court review of certain planning and zoning decisions. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Judiciary: This bill was intended to amend the standard for court review of planning and zoning decisions. Subsequent to the public hearing, the Supreme Court handed down its decision in the case of *Kalil v Town of Dummer* (2006-381) which addressed this issue. Based on this decision, the committee unanimously agreed that SB 208 was no longer required. Vote 14-0.

**SB 162**, establishing a commission to oversee and negotiate issues relative to the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO). **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jason M. Bedrick for Labor, Industrial and Rehabilitative Services: This bill establishes a citizens trade policy commission to evaluate the impact of existing and proposed international trade agreements on the ability of the state of New Hampshire and its municipalities to pass laws and ordinances regarding public health and safety, environmental protection, labor standards, state and local procurement, and the provision of public services. Testimony indicated that ground water issues are of particular concern. The amendment adds a member of the business community active in a managerial capacity to the commission and directs the commission to include the labor commissioner and chairman of the House State-Federal Relations and Veterans Committee as recipients of its annual report. Vote 15-1.

**Amendment (1592h)**

Amend RSA 19-L:1, II(g) as inserted by section 1 of the bill by replacing it with the following:

(g) Four public members as follows: one member who is active in the organized labor community, one member of a nonprofit human rights organization, one member of a nonprofit environmental organization, and one member who is active in the business community in a managerial capacity, appointed by the speaker of the house of representatives.

Amend RSA 19-L:4 as inserted by section 1 of the bill by replacing it with the following:

19-L:4 Annual Report. The commission shall issue an annual report, describing the activities of the commission and the issues raised at public hearings, beginning on November 1, 2008 to the governor, the speaker of the house of representatives, the president of the senate, the labor commissioner, the chairman of the house standing committee having jurisdiction over state-federal relations and veterans affairs, the New Hampshire congressional delegation, the Speaker of the United States House of Representatives, the President of the United States Senate, the United States Trade Representative, and the state library.

**SB 244**, relative to employers withholding from employees' wages for certain purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill adds voluntary payment for an employee's use of an on-site fitness center to the list of items that can be deducted from an employee's paycheck. The amendment expands the opportunity to allow voluntary deductions when an employee contracts with a private health and fitness facility that offers discounted memberships of 50% or more to all employees of the employer. Vote 16-0.

**Amendment (1427h)**

Amend the introductory paragraph of RSA 275:48, I(d)(6) as inserted by section 2 of the bill by replacing it with the following:

(6) Voluntary payments for the employee's use of a health or fitness facility that is sponsored by the employer for the benefit of its employees and that is located within the employer's facility or workplace, or operated by a private health and fitness facility that offers discounted memberships of 50 percent or more to all employees of the employer, as evidenced by a document that includes the following:

**SB 265-FN**, relative to the state apprenticeship council and the regulation of apprenticeship programs. **OUGHT TO PASS.**

Rep. Larry Converse for Labor, Industrial and Rehabilitative Services: This bill moves the state apprenticeship program to the Office of Apprenticeship at the US Department of Labor. This move will enable the apprenticeship program to hire additional staff with federal funds. The state Apprenticeship Advisory Council, made up of employers, employees and the NH Commissioner of Labor or designee, retains oversight and authority for job training program standards. Vote 14-3.

**SB 106**, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cynthia J. Dokmo for Legislative Administration: The original bill corrects an oversight of last session's ethics legislation the effect of which was to cause the resignation of valuable volunteers from certain committees established by the judicial branch. The amendment, which also corrects last year's ethics legislation, incorporates a bill passed by the House this session, which bill has been tabled by the Senate. The committee feels that it is critical to enact these corrections this year. Vote 9-1.

#### **Amendment (1761h)**

Amend the title of the bill by replacing it with the following:

AN ACT allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch, and relative to lobbyist registration and statements and regulation of volunteer public service.

Amend the bill by replacing all after section 1 with the following:

2 Lobbyist Registration; Registration Required. RSA 15:1, I is repealed and reenacted to read as follows:

I.(a) The following persons shall register as lobbyists with the secretary of state:

(1) Any person who works as an independent contractor or who provides services for a fee for another to represent the other for the purposes specified in paragraph II including, but not limited to, an attorney, or a legislative or government relations representative;

(2) Any person who is an employee of any other person or employer, and who works in a representative capacity exclusively for the purposes specified in paragraph II; and

(3) Any person who is an employee of any other person or employer, who is employed for purposes in addition to or other than the purposes specified in paragraph II, and who spends more than 200 hours in a calendar year working in a representative capacity for the purposes specified in paragraph II.

(b) Each person described in subparagraphs (a)(1) and (2) shall register prior to engaging in the activities specified in paragraph II. Each person described in subparagraph (a)(3) shall register no later than one week following completion of 200 hours of such work. Each registration shall report the existence of a relationship between a single client and either a single lobbyist or a partnership, firm, or corporation with one or more partners, members, or employees of a firm acting as a lobbyist.

3 Lobbying; Registration Required. Amend RSA 15:1, II(b) to read as follows:

(b) To promote or oppose, directly or indirectly, any action by the governor [;] ~~or governor and council [; or any state agency, as defined in RSA 15-A:2]~~, where such action concerns legislation or contracts pending or proposed before the general court, any pending or proposed administrative rule, or the procurement of goods or services that are being or may be purchased by the state, subject to the exclusions in paragraphs III and IV.

4 Expiration Date. Amend RSA 15:1, IV to read as follows:

IV. All registrations required under this section shall expire on December [±] 31.

5 New Paragraph; Exclusions From Requirements. Amend RSA 15:1 by inserting after paragraph IV the following new paragraph:

V. The following communications are excluded from the regulation imposed by this chapter and shall not be considered in a determination of whether a person is required to register and report as a lobbyist:

(a) Public testimony before a legislative committee or sub-committee;

(b) Public testimony before any entity subject to RSA 91-A, the right-to-know law;

(c) A written document filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(d) Communication made by a public official acting in the public official's official capacity;

(e) Communication made by a representative of a media organization if the purpose of the communication is gathering or disseminating news and information to the public;

(f) Communication made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television, the internet, or other medium of mass communication; and

(g) Communication made in writing which becomes a public record subject to the provisions of RSA 91-A, the right-to-know law, provided in response to a written request by a legislative or executive branch official.

6 Lobbyist Statements. Amend RSA 15:6 to read as follows:

15:6 Statements.

I. Each lobbyist shall file with the secretary of state itemized statements under oath of:

(a) All fees received from any lobbying client that are related, directly or indirectly, to lobbying, such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work.

(b) All expenditures made from lobbying fees, including by whom paid or to whom charged.

(c) Any ~~[honorarium or]~~ expense reimbursement, as defined in RSA 15-B, or political contribution, as defined in RSA 664, made by the lobbyist in his or her professional ~~[or personal]~~ capacity, on behalf of the lobbyist, the partnership, firm, or corporation or by the lobbyist on behalf of the client or employer ~~[or by a family member of the lobbyist]~~. The statements shall be open to public inspection. ~~[For the purposes of this chapter, "family member" shall mean any person related to and living in the same domicile as the lobbyist, who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.]~~

II. Lobbyists shall file statements no later than the second Friday of each ~~[month]~~ *January, April, July, and October* covering all fees received and expenditures ~~[-contributions, honorariums,]~~ or expense reimbursements made ~~[during the previous month;]~~ *since the last required filing*, from fees received at any time from a lobbying client or employer or from funds otherwise provided by the lobbyist, partnership, firm, or corporation, or from the client or employer.

III. In this chapter "value" means the amount at which property or services would change hands between a willing buyer and a willing seller when neither is under any compulsion to buy or sell and both have reasonable knowledge of the relevant facts.

~~[IV. A lobbyist, in his or her professional or personal capacity, or a family member of a lobbyist making a contribution, honorarium, or expense reimbursement, in a form other than cash, check or negotiable instrument, to a person with a duty to report that contribution, honorarium, or expense reimbursement pursuant to RSA 15-B or RSA 664 shall provide the recipient with a written statement of the value of the contribution, honorarium, or expense reimbursement if the value is different than any price or value printed on the contribution, honorarium, or expense reimbursement or if the contribution, honorarium, or expense reimbursement does not have a price affixed to it.~~

~~V.;~~ IV. The lobbyist statement shall be in the form prescribed by the secretary of state, may be in paper or electronic form, and shall include at a minimum:

(a) The full name of each lobbyist covered by the report.

(b) The name of the lobbyist partnership, firm, or corporation, if any.

(c) The business address and telephone number for the lobbyist, partnership, firm, or corporation.

(d) For each lobbying client, the full name and business address of the client, the scope of the representation or lobbyist services being paid for, the gross amount of all fees received from that client, not reduced by any expenses, that are related, directly or indirectly, to lobbying, such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work, a statement of the aggregate total of fees received that are related, directly or indirectly, to lobbying services during the calendar year, and a statement of any fee payment due, but not yet paid.

(e) For each ~~[honorarium or]~~ expense reimbursement made, that is reportable pursuant to RSA 15-B:

(1) The name of the client on whose behalf the expense reimbursement ~~[or honorarium]~~ was made, if any.

(2) The name of the person receiving the ~~[honorarium or]~~ expense reimbursement.

(3) A brief description of the event to which the ~~[honorarium or]~~ expense reimbursement relates.

(4) The value of the ~~[honorarium or]~~ expense reimbursement.

(f) ~~[For each political contribution made that is reportable pursuant to RSA 664:~~

~~(1) The name of the candidate;~~

~~(2) The office the candidate is seeking;~~

~~(3) The value of the contribution;~~

~~(4) If the contribution is an in-kind contribution, a brief description of the contribution.~~

~~(g)~~ For all expenditures for salaries, benefits, support staff, and office expenses, related directly or indirectly to lobbying, a statement of the total aggregate expenses for salaries, support staff, and office expenses related directly or indirectly to lobbying shall satisfy the requirement that an itemized statement of these expenses be filed.

~~[(h)]~~ (g) The following statement followed by a line for each person filing the form to sign and date the form: "I have read RSA 15[-RSA 15-B, and RSA 664] and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief." ~~[This statement shall be made under oath before a notary public or justice of the peace.]~~

~~[V-E]~~ V. The secretary of state shall maintain the statements required by this section for 6 years from the date of filing, after which time the statements may be destroyed. The public information on the forms shall be available to the public in the form of a photocopy or an electronic record. The secretary of state shall, as soon as is practical, implement an electronic record keeping system that makes lobbyist registration forms and fee and expense reports available to the public through the internet.

7 Gifts; Exclusion From Definition. Amend RSA 15-B:2, V(c)(5) and (6) to read as follows:

(5) Objects ~~or services~~ which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.

(6) Money in any form, an object, or an intangible thing ~~or service~~ of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or intangible thing ~~or service~~ of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.

8 New Subparagraph; Definition of Gift; Exclusion Added. Amend RSA 15-B:2, V(c) by inserting after subparagraph (12) the following new subparagraph:

(13) Information or advice concerning any state law or rule, any legislation pending or proposed before the general court, or any pending or proposed administrative rule.

9 Executive Branch; Code of Ethics; Volunteer Service. RSA 21-G:25 is repealed and reenacted to read as follows:

21-G:25 Ethical Standards for Volunteer Public Service. Volunteers shall not use public service for an executive branch agency, directly or indirectly, and whether for themselves or for their employers or business associates:

I. To obtain economic benefit; or

II. To advance personal or pecuniary interests through non-public communications with executive branch officials for the purpose of influencing the performance of their duties.

10 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows lobbyists and those connected with lobbyists to sit on committees established by the judicial branch.

This bill changes the registration requirements for lobbyists and the frequency and content of the statements required to be filed. The bill also repeals the restriction on simultaneous employment and public service.

**SB 258**, relative to reliance on ethics committee advisory opinions. **OUGHT TO PASS.**

Rep. Michael J. Reuschel for Legislative Administration: The committee voted unanimously OTP on this bill. The bill allows for the advisory opinion of the legislative ethics committee to be an absolute defense in any complaint when the person complained against relies on this advisory opinion. It is the judgment of the committee that these advisory opinions are given in good faith and that there should not be any criminal prosecution for this good faith effort. Vote 10-0.

**SB 119**, establishing a committee to study the oversight of municipal capital reserve funds. **IN-EXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: This bill would create a committee to look at one specific type of funding – capital reserve funds. Upon hearing testimony, the committee was informed that the real objective was to answer a taxpayer's concern over an alleged misuse of a municipal electric "enterprise" fund by one local governing body. The committee felt that if the taxpayer's concern had been voiced to the governing body an explanation would have

been received. A full accounting of all capital expenditures of any type of accounting method is reviewed by the Department of Revenue Administration, the local auditor and bond counsel. The committee felt that the current oversight was adequate and that another study committee was not needed at this time. Vote 13-0.

**SB 247**, establishing a committee to study the adjudication of land use issues and ordinance violations. **INEXPEDIENT TO LEGISLATE.**

Rep. Anthony F. Simon for Municipal and County Government: The sponsor of this bill advised the committee that it was introduced at the request of the City of Manchester based on problems that they are having enforcing city ordinances. This bill is not necessary. Vote 13-0.

**SB 56**, relative to Old Drewsville Road in the town of Walpole. **OUGHT TO PASS.**

Rep. Gene G. Chandler for Public Works and Highways: This bill would transfer a section of Old Drewsville Road in Walpole from the state to the town upon completion of an upgrade of the road by the state at a cost of approximately \$130,000 while the committee felt that the cost and advantage to the state could be debated but, it was felt that since negotiations had been going on since 2002 it was only fair to treat this project like many others before it, and unanimously agreed to approve the measure. The committee notes and the Department of Transportation agrees that in the future these types of projects would be looked at with more scrutiny to make sure that any upgrades would not be at a higher standard than a municipality would do. These projects can be a win, win, for the state and municipalities, but we need to be increasingly vigilant with the use of our highway funds. Vote 16-0.

**SB 224-FN-A**, relative to the telecommunications planning and development advisory committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael A. Kaelin for Science, Technology and Energy: This bill extends the duration of the telecommunications planning and development advisory committee and broadens the scope of the committee to include broadband infrastructure. The intent of the bill is to improve economic opportunity in New Hampshire by increasing access to high-speed telecom infrastructure. Specific duties include assessing availability of broadband in underserved areas, identifying and applying for federal funds, coordination of efforts of various private and government entities, preparing an inventory of the state's broadband infrastructure, facilitating educational programs and public awareness, and providing a final report. Vote 13-0.

#### **Amendment (1579h)**

Amend the introductory paragraph and subparagraph (a) of RSA 12-A:46, V as inserted by section 1 of the bill by replacing it with the following:

V. The telecommunications planning and development advisory committee shall assist the director in preparing an inventory of the state's broadband infrastructure. This inventory shall include recommendations to:

(a) Promote access to affordable and reliable broadband service to all state citizens and businesses.

**SB 241**, relative to availability of cable television in manufactured housing parks. **OUGHT TO PASS.**

Rep. Thomas R. Fargo for Science, Technology and Energy: This bill amends RSA 53-C to establish certain responsibilities of cable television operators when they extend facilities to manufactured housing dwellings and also sets minimum standards for agreements between the park owner and the cable television operator. The bill was introduced to resolve conflicts which prevented residents of a specific park from receiving cable television service; particularly local access programming that affects the resident's ability to participate in local governmental activities. The committee unanimously agreed that the lack of access to local cable television programming may limit the democratic process. While the intent of the bill was to provide park residents with cable television service, the committee recognized that these service connections could also enhance resident's access to high-speed internet, voice over internet telecommunications, and the economic opportunities associated with such connectivity. Vote 13-0.

**SB 95**, relative to bingo games conducted by senior citizens' organizations. **OUGHT TO PASS.** Rep. William Butynski for Ways and Means: This bill provides flexibility to senior citizen organizations to allow persons down to age 55 to play bingo. (In the past bingo was open only to persons age 60 or older.) Also, since the prize level had not been raised for many years, senior citizens' organizations will be allowed to award up to \$500 in prizes per day of bingo played. Finally, "persons under 55 years of age who are assisting persons 55 years of age or older may be allowed on the premises." Vote 11-0.

### SPECIAL ORDERED

Rep. Ryan moved that **SB 75**, relative to establishing a south central New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire, be made a Special Order for the next session day in its Regular Calendar order.

Rep. Ryan spoke in favor and yielded to questions.  
Adopted.

### REGULAR CALENDAR

**SB 42-FN**, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James R. Martin for the Majority of Commerce: This bill amends the indoor smoking act to prohibit smoking in restaurants and cocktail lounges. The committee recognizes the serious health dangers of secondhand smoke. Second hand smoke causes a variety of serious and frequently fatal illnesses including lung cancer, emphysema and chronic bronchitis. These are collectively referred to as chronic obstructive pulmonary diseases (COPD). There are approximately 24 million Americans with COPD according to the National Institute of Health's National Heart, Lung and Blood Institute. COPD is rising in the United States, particularly among young people and women and is the fourth ranked killer in the United States. The total annual cost is estimated to be \$40 billion annually, including \$21 billion in direct medical costs. One-half of those diagnosed with COPD die within 10 years of diagnosis. Smoking in restaurants and cocktail lounges subjects not only the patrons but also the restaurant and cocktail lounge workers to sustained exposure to heavy concentrations of smoke and the toxins it contains. The committee heard testimony from young people, students, and women, including single moms who need the part time work and flexible hours available by working in restaurants. If they need a job, particularly in a small community, they often have no choice but to work in a restaurant which permits smoking. All too often they have to subject themselves to the very real risks of second hand smoke in order to obtain work. That is not right. The committee also heard testimony concerning the risks to young children who are taken into restaurants where smoking is permitted - children who are at high risk and who have no choice. The risks of second hand smoke are real and serious. Approximately 79 per cent of the citizens of New Hampshire have indicated their desire to have no smoking in restaurants and cocktail lounges. As legislators we should listen to the overwhelming wishes of our constituents including those who own and operate restaurants, restaurant workers and patrons. Vote 11-7.

Rep. Edward A. Butler for the Minority of Commerce: The Minority believes that our energies and effort would be better spent continuing to educate the public about the dangers of smoking tobacco and of second-hand smoke. In the case of public smoking the marketplace has already effectively segregated smokers to only a few public venues. The Minority on this bill believes it goes too far in its effort to control what should be the rights of business owners to define the parameters of their product and service and also too much restricts the rights of those who choose to smoke.

Rep. Hunt offered floor amendment (1431h).

### Floor Amendment (1431h)

Amend the bill by replacing all after the enacting clause with the following:

1 Indoor Smoking Act; Definition of "Restaurant." Amend RSA 155:65, XIV to read as follows:

XIV. "Restaurant" means any room or enclosed place used and kept open on a regular basis and in a bona fide manner for the serving of meals to guests for compensation. ***"Restaurant" shall include any such room or place in resorts, hotels, and motels.***



2 Indoor Smoking Act; Smoking Prohibited. RSA 155:66 is repealed and reenacted to read as follows:

155:66 Smoking Prohibited.

I. Except as provided in RSA 155:67 and notwithstanding any law to the contrary, smoking is prohibited in:

- (a) Public educational facilities at any time, and in child care agencies licensed under RSA 170-E during the hours of operation, except foster family homes and foster family group homes.
- (b) Hospitals and other acute care facilities.
- (c) Grocery stores by customers.
- (d) Elevators, tramways, gondolas, and other such public conveyances.
- (e) Public conveyances.
- (f) Except as provided in paragraph III, restaurants.
- (g) Cocktail lounges.
- (h) Enclosed places owned and operated by social, fraternal, or religious organizations when open to the general public, except in fully enclosed rooms. Purposes for which such places may be open to the general public may include, but not be limited to, public meetings, voting, suppers, bingo games, theatrical events, fairs, and bazaars.

II. Smoking may be permitted in enclosed places of public access and publicly-owned buildings and offices, including workplaces, other than those listed in paragraph I, in effectively segregated smoking-permitted areas designated by the person in charge. Smoking shall be totally prohibited in any such enclosed place, if smoking cannot be effectively segregated. The person in charge may declare any facility non-smoking in its entirety.

III. Smoking may be permitted in fully enclosed rooms, as defined in RSA 155:65, VI-a, in dining rooms at restaurants and enclosed places under subparagraph I(h).

3 New Paragraph; Definition Added. Amend RSA 155:65 by inserting after paragraph VI the following new paragraph:

VI-a. "Fully enclosed room" means a structurally enclosed room within an existing enclosed place. Such room shall be enclosed with a floor, ceiling, and 4 solid walls, partitions, or windows, inclusive of doors for exit and entry and shall meet all necessary health and safety codes. Such room shall have a ventilation system which is separate from the ventilation system used for areas where smoking is prohibited. The size and location of the fully enclosed room shall be designed, designated, or juxtaposed so that the smoke, or smell of smoke, does not intrude into the areas where smoking is prohibited. A fully enclosed room shall not contain a service bar or workstation.

4 New Paragraph; Written Policies. Amend RSA 155:68 by inserting after paragraph IV the following new paragraph:

IV. Written policies shall state that no employee shall be required to work in fully enclosed rooms where smoking is permitted under RSA 155:66, III. Employers shall require all employees working in fully enclosed rooms where smoking is permitted to sign a form which clearly states the potential dangers of inhaling second-hand smoke and that the employee chooses to work in such area. Such forms shall be kept on file with the employee's records. Any employer who fails to comply with this paragraph shall be subject to the penalty under RSA 155:76, IV.

5 New Paragraph; Rulemaking Added. Amend RSA 155:71 by inserting after paragraph V the following new paragraph:

VI. Forms and procedures for smoking permitted areas under RSA 155:68, V.

6 Applicability. Amend RSA 155:72, II to read as follows:

II. **Except as provided in RSA 155:68, V**, nothing in this subdivision shall be construed to authorize an employee to refuse to discharge his **or her** ordinary and customary duties in the workplace, including, but not limited to, entering a smoking-permitted area in the discharge of such duties.

7 New Paragraph; Penalty Added. Amend RSA 155:76 by inserting after paragraph III the following new paragraph:

IV. Any employer who violates the provisions of RSA 155:68, V shall be guilty of a violation.

8 Repeal. The following are repealed:

I. RSA 155:67, VIII, relative to an exemption for certain restaurants.

II. RSA 155:67, IX, relative to an exemption for cocktail lounges.

9 Effective Date. This act shall take effect 90 days after its passage.

## AMENDED ANALYSIS

This bill:

I. Prohibits smoking in cocktail lounges.

II. Prohibits smoking in dining rooms in restaurants and certain enclosed places, except in fully enclosed rooms.

III. Clarifies the smoking prohibited section of the indoor smoking act.

Rep. Hunt spoke in favor.

Rep. Reardon spoke against.

Rep. Martin spoke against and yielded to questions.

Rep. Reardon requested a roll call; sufficiently seconded.

## YEAS 135 NAYS 216

## YEAS 135

## BELKNAP

Allen, Janet  
Tilton, Franklin

Boyce, Laurie  
Tobin, William

Nedeau, Stephen  
Wendelboe, Fran

Thomas, John  
Whalley, Michael

## CARROLL

Ahlgren, Christopher  
Morrow, Harry

Buco, Thomas  
Patten, Betsey

Butler, Edward

Chandler, Gene

## CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

## COOS

King, Frederick

Tholl, John Jr

## GRAFTON

Dingman, Vernon III

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

## HILLSBOROUGH

Baroody, Benjamin  
Christensen, Chris  
Daniels, Gary  
Emerton, Larry  
Hansen, Ryan  
Katsiantonis, George  
Levasseur, Nickolas  
McRae, Karen  
O'Connell, Timothy  
Reeves, Sandra  
Simon, Anthony  
Tahir, Saghir

Barry, Richard  
Christiansen, Lars  
Day, Russell  
Fletcher, Richard  
Hawkins, Ken  
Kurk, Neal  
Manney, Pamela  
Messier, Irene  
Ober, Lynne  
Renzullo, Andrew  
Soucy, Connie  
Ulery, Jordan

Batula, Peter  
Clark, Mark  
Drisko, Richard  
Graham, John  
Hinkle, Peyton  
L'Heureux, Robert  
Marshall, Seth  
Mooney, Maureen  
Ober, Russell III  
Rowe, Robert  
Stepanek, Stephen  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Coughlin, Pamela  
Elliott, Nancy  
Haefner, Robert  
Jasper, Shawn  
Lawrence, James  
Martineau, Jesse  
O'Brien, Michael Sr  
Peterson, Andy  
Shaw, Barbara  
Sullivan, Daniel  
Winters, Joel

## MERRIMACK

Anderson, Eric  
Webb, Leigh

Humphries, Charlie

Lockwood, Priscilla

Reed, Dennis

## ROCKINGHAM

Allen, Mary  
Bettencourt, David  
Charron, Gene  
Fesh, Bob  
Griffin, Mary  
Ingram, Russell  
Katsakiores, George  
Lund, Howie

Baldasaro, Alfred  
Bishop, Franklin  
Dumaine, Dudley  
Flanders, John Sr  
Guthrie, Joseph  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman

Bedrick, Jason  
Camm, Kevin  
Elliott, Robert  
Garritty, James  
Headd, James  
Itse, Daniel  
Kelley, Jane  
McKinney, Betsy

Belanger, Ronald  
Carson, Sharon  
Emiro, Frank  
Gleason, John  
Hutchinson, Karen  
Kappler, Lawrence  
Lister, Charlotte  
McMahon, Charles

Nowe, Ronald  
Quandt, Matthew  
Waterhouse, Kevin

Packard, Sherman  
Rausch, James  
Weare, Everett

Preston, Mark  
Reagan, John  
Welch, David

Quandt, Marshall  
Sanders, Elisabeth  
Weyler, Kenneth

### STRAFFORD

Billian, Deborah  
Burke, Rachel  
Hutz, Sarah

Brown, Jennifer  
DeChane, Marlene  
Oppenheimer, Kay

Brown, Julie  
Domingo, Baldwin  
Snec, Robert

Browne, Brendon  
Hofemann, Roland  
Watson, Robert

### SULLIVAN

Ferland, Brenda

Phinizy, James

Rodeschin, Beverly

### NAYS 216

### BELKNAP

Clark, Charles  
Pilliod, James

Flanders, Donald  
Reever, Judith

Heald, Bruce  
Russell, David

Millham, Alida  
Wood, Jane

### CARROLL

Bridgham, Robert  
Knox, J. David

Cunningham, Howard  
Martin, James

Denley, William  
Stevens, Stanley

Heard, Virginia

### CHESHIRE

Allen, Peter  
Butynski, William  
Espieffs, Peter  
Pelkey, Stephen  
Sad, Tara

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Robertson, Timothy

### COOS

Hatch, William  
Remick, William

Ingersoll, Paul Sr  
Stohl, Eric

Mears, Edgar  
Theberge, Robert

Merrick, Evalyn  
Thomas, Yvonne

### GRAFTON

Aguiar, James  
Bleyler, Ruth  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

Almy, Susan  
Bulis, Lyle  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Andersen, Gene  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon  
Williams, Burton

### HILLSBOROUGH

Beaulieu, Jane  
Campbell, David  
Dokmo, Cynthia  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Irwin, Anne-Marie  
Knowles, John  
Leishman, Peter  
Mack, Ron  
O'Neil, James  
Rosenwald, Cindy  
Smith, David  
Sysyn, Mary

Beck, Catriona  
Cote, David  
Edwards, Andrew  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Jean, Claudette  
Knowles, Mary Ann  
Levesque, Melanie  
Matarazzo, Anthony Sr  
Pilotte, Maurice  
Schulze, Joan  
Spaulding, Jayne  
Villeneuve, Maurice

Bergin, Peter  
Cote, Peter  
Essex, David  
Garrity, Patrick  
Goyette, Peter  
Harvey, Suzanne  
Kaelin, Michael  
Kopka, Angeline  
Lisle, Carolyn  
Mesa, Lily  
Price, Pamela  
Shattuck, Gilman  
Spratt, Stephen

Brunelle, Michael  
Daler, Jennifer  
Fontas, Jeffrey  
Ginsburg, Ruth  
Haley, Robert  
Hogan, Edith  
Kelley, John  
Lasky, Bette  
Long, Patrick  
Movsesian, Lori  
Reuschel, Michael  
Shaw, Kimberly  
Sullivan, Francis

### MERRIMACK

Baxley, Maureen  
Brown, Carole  
DeStefano, Stephen

Beauchesne, Suzanne  
Brueggemann, Donald  
Ehlers, Eileen

Blanchard, Elizabeth  
Clarke, Claire  
French, Barbara

Bouchard, Candace  
Davis, Frank  
Gile, Mary

Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Williams, Robert

Hamm, Christine  
MacKay, James  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

Kelly, Sally  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary

Kidder, David  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
Cali-Pitts, Jacqueline  
Day, Judith  
Grote, Otto  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Snow, Richard  
Wickson, Rick

Borden, David  
Case, Frank  
Devine, James  
Howard, Doreen  
McCarthy, Linda  
Moore, Bennett  
Priestley, Anne  
Splaine, James  
Winchell, George

Brown, C. Pennington  
Casey, Kimberley  
Flockhart, Eileen  
Johnson, Robert  
McEachern, Paul  
Nord, Susi  
Robertson, Carl  
Stiles, Nancy

Buxton, Donald  
Dalrymple, David  
Gould, Kenneth  
Kennedy, James  
McKenna, Daniel  
Pantelakos, Laura  
Russell, Trinka  
Wells, Roger

### STRAFFORD

Berube, Roger  
Fargo, Thomas  
Hubbard, Pamela  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brennan, William  
Goodwin, Earle  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, Larry  
Grassie, Anne  
Knowles, William  
Rollo, Michael  
Spang, Judith

Cyr, James  
Hilliard, Dana  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Skinder, Carla

Donovan, Thomas  
Houde, Matthew

Franklin, Peter  
Jillette, Arthur Jr

and floor amendment (1431h) failed.

Rep. Vaillancourt offered floor amendment (1681h).

### Floor Amendment (1681h)

Amend RSA 155:66, I(h) as inserted by section 3 of the bill by replacing it with the following:

(h) Enclosed places owned and operated by social, fraternal, or religious organizations.

Amend the bill by replacing section 4 with the following:

4 Repeal. The following are repealed:

I. RSA 155:67, II, relative to an exemption for certain enclosed places when used for private purposes.

II. RSA 155:67, VIII, relative to an exemption for certain restaurants.

III. RSA 155:67, IX, relative to an exemption for cocktail lounges.

### AMENDED ANALYSIS

This bill:

I. Prohibits smoking in restaurants, cocktail lounges, and enclosed places owned and operated by social, fraternal, or religious organizations in New Hampshire.

II. Clarifies the smoking prohibited section of the indoor smoking act.

III. Clarifies certain definitions under the indoor smoking act.

Rep. Reardon spoke against.

Rep. Vaillancourt spoke in favor and yielded to questions.

Rep. Reardon requested a roll call; sufficiently seconded.

### YEAS 73 NAYS 280

### YEAS 73

### BELKNAP

Allen, Janet  
Nedeau, Stephen

Clark, Charles  
Pilliod, James

Heald, Bruce  
Russell, David

Millham, Alida  
Tilton, Franklin

**CARROLL**

Ahlgren, Christopher      Denley, William

**CHESHIRE**

Burridge, Delmar      Pelkey, Stephen      Robertson, Timothy      Weed, Charles

**COOS**

Tholl, John Jr

**GRAFTON**

Andersen, Gene      Lovett, Sid      Williams, Burton

**HILLSBOROUGH**

Crane, Elenore Casey	Dokmo, Cynthia	Drisko, Richard	Fletcher, Richard
Hall, Betty	Hansen, Ryan	Harvey, Suzanne	Jasper, Shawn
Kaelin, Michael	Kurk, Neal	L'Heureux, Robert	Manney, Pamela
Matarazzo, Anthony Sr	McRae, Karen	Mooney, Maureen	Renzullo, Andrew
Rowe, Robert	Shattuck, Gilman	Stepanek, Stephen	Sysyn, Mary
Tahir, Saghir	Vaillancourt, Steve		

**MERRIMACK**

Anderson, Eric      Brown, Carole      MacKay, James      Tupper, Frank

**ROCKINGHAM**

Allen, Mary	Borden, David	Cali-Pitts, Jacqueline	Casey, Kimberley
Dalrymple, David	Flanders, John Sr	Flockhart, Eileen	Garrity, James
Gould, Kenneth	Grote, Otto	Kappler, Lawrence	Katsakiores, Phyllis
Kelley, Jane	Lister, Charlotte	Marsh, Michael	McCarthy, Linda
Pearson, Mark	Preston, Mark	Reagan, John	Wells, Roger

**STRAFFORD**

Brown, Julie      Goodwin, Earle      Grassie, Anne      Miller, Joseph  
Schmidt, Peter      Vachon, Dennis

**SULLIVAN**

Jillette, Arthur Jr      Rodeschin, Beverly      Skinder, Carla

**NAYS 280****BELKNAP**

Boyce, Laurie      Flanders, Donald      Reeve, Judith      Thomas, John  
Tobin, William      Wendelboe, Fran      Whalley, Michael      Wood, Jane

**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Chandler, Gene
Cunningham, Howard	Heard, Virginia	Knox, J. David	Martin, James
Merrrow, Harry	Patten, Betsey	Stevens, Stanley	

**CHESHIRE**

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Chase, William	Dunn, J. Timothy	Eaton, Daniel	Emerson, Susan
Espieffs, Peter	Hunt, John	Johnson, Jane	Lerandeau, Alfred
Loll, Thomas	Mitchell, Bonnie	Richardson, Barbara	Roberts, Kris
Sad, Tara	Weber, Lucy		

**COOS**

Hatch, William	Ingersoll, Paul Sr	King, Frederick	Mears, Edgar
Merrick, Evalyn	Remick, William	Stohl, Eric	Theberge, Robert
Thomas, Yvonne			

**GRAFTON**

Aguiar, James  
Bulis, Lyle  
Friedrich, Carol  
Ingbretson, Paul  
Nordgren, Sharon  
Sorg, Gregory

Almy, Susan  
Cooney, Mary  
Gionet, Edmond  
Matheson, Robert  
Pierce, David

Benn, Bernard  
Dingman, Vernon III  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

Bleyler, Ruth  
Estes, Carole  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
Bergeron, Jean-Guy  
Christensen, Chris  
Cote, Peter  
Day, Russell  
Essex, David  
Garrity, Patrick  
Goyette, Peter  
Hammond, Jill  
Irwin, Anne-Marie  
Knowles, John  
Lawrence, James  
Lisle, Carolyn  
Martineau, Jesse  
O'Brien, Michael Sr  
Ober, Russell III  
Reeves, Sandra  
Shaw, Barbara  
Soucy, Connie  
Sullivan, Francis

Barry, Richard  
Bergin, Peter  
Christiansen, Lars  
Coughlin, Pamela  
Edwards, Andrew  
Fontas, Jeffrey  
Ginsburg, Ruth  
Graham, John  
Hawkins, Ken  
Jean, Claudette  
Knowles, Mary Ann  
Leishman, Peter  
Long, Patrick  
Mesa, Lily  
O'Connell, Timothy  
Peterson, Andy  
Reuschel, Michael  
Shaw, Kimberly  
Spaulding, Jayne  
Ulery, Jordan

Beaulieu, Jane  
Brunelle, Michael  
Clark, Mark  
Daler, Jennifer  
Elliott, Nancy  
Foster, Linda  
Goley, Jeffrey  
Haefner, Robert  
Hinkle, Peyton  
Katsiantonis, George  
Kopka, Angeline  
Levasseur, Nickolas  
Mack, Ron  
Messier, Irene  
O'Neil, James  
Pilotte, Maurice  
Rosenwald, Cindy  
Simon, Anthony  
Spratt, Stephen  
Villeneuve, Maurice

Beck, Catriona  
Campbell, David  
Cote, David  
Daniels, Gary  
Emerton, Larry  
Gargas, Carolyn  
Gorman, Mary  
Haley, Robert  
Hogan, Edith  
Kelley, John  
Lasky, Bette  
Levesque, Melanie  
Marshall, Seth  
Movsesian, Lori  
Ober, Lynne  
Price, Pamela  
Schulze, Joan  
Smith, David  
Sullivan, Daniel  
Winters, Joel

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
Ehlers, Eileen  
Hamm, Christine  
Kjellman, Eleanor Glynn  
Owen, Derek  
Reed, Dennis  
Tilton, Joy  
Wheeler, Deborah

Beauchesne, Suzanne  
Clarke, Claire  
French, Barbara  
Humphries, Charlie  
Lockwood, Priscilla  
Porter, Margaret  
Richardson, Gary  
Wallner, Mary  
Williams, Robert

Blanchard, Elizabeth  
Davis, Frank  
Gile, Mary  
Kelly, Sally  
McMahon, Patricia  
Potter, Frances  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

Bouchard, Candace  
DeStefano, Stephen  
Hager, Elizabeth  
Kidder, David  
Osborne, Jessie  
Reardon, Tara  
Shurtleff, Stephen  
Webb, Leigh

**ROCKINGHAM**

Abbott, Dennis  
Bettencourt, David  
Camm, Kevin  
Day, Judith  
Emiro, Frank  
Guthrie, Joseph  
Ingram, Russell  
Katsakiores, George  
McEachern, Paul  
Moody, Marcia  
Packard, Sherman  
Quandt, Marshall  
Russell, Trinka  
Stiles, Nancy  
Weyler, Kenneth

Baldasaro, Alfred  
Bishop, Franklin  
Carson, Sharon  
Devine, James  
Fesh, Bob  
Headd, James  
Introne, Robert  
Kennedy, James  
McKenna, Daniel  
Moore, Bennett  
Pantelakos, Laura  
Quandt, Matthew  
Sanders, Elisabeth  
Waterhouse, Kevin  
Wickson, Rick

Bedrick, Jason  
Brown, C. Pennington  
Case, Frank  
Dumaine, Dudley  
Gleason, John  
Howard, Doreen  
Itse, Daniel  
Lund, Howie  
McKinney, Betsy  
Nord, Susi  
Powers, James  
Rausch, James  
Snow, Richard  
Weare, Everett  
Winchell, George

Belanger, Ronald  
Buxton, Donald  
Charron, Gene  
Elliott, Robert  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Robert  
Major, Norman  
McMahon, Charles  
Nowe, Ronald  
Priestley, Anne  
Robertson, Carl  
Splaine, James  
Welch, David

**STRAFFORD**

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Jennifer
Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
DeChane, Marlene	Domingo, Baldwin	Fargo, Thomas	Hilliard, Dana
Hofemann, Roland	Hubbard, Pamela	Hutz, Sarah	Kaen, Naida
Knowles, William	Oppenheimer, Kay	Perry, Robert	Rollo, Deanna
Rollo, Michael	Rous, Emma	Smith, Marjorie	Spang, Judith
Sprague, Dale	Smec, Robert	Wall, Janet	Warren, Nancy
Watson, Robert			

**SULLIVAN**

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew
Nielsen, Ellen	Phinazy, James		

and floor amendment (1681h) failed.  
The question now being adoption of the majority committee report of Ought to Pass.  
Rep. Reardon spoke in favor.  
Rep. Weyler spoke against and yielded to questions.  
Rep. Reardon requested a roll call; sufficiently seconded.

**YEAS 224 NAYS 117****YEAS 224****BELKNAP**

Flanders, Donald	Heald, Bruce	Millham, Alida	Pilliod, James
Reever, Judith			

**CARROLL**

Bridgham, Robert	Cunningham, Howard	Denley, William	Heard, Virginia
Knox, J. David	Martin, James	Patten, Betsey	Stevens, Stanley

**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Lerandeau, Alfred	Mitchell, Bonnie	Pelkey, Stephen
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

**COOS**

Hatch, William	Mears, Edgar	Merrick, Evalyn	Remick, William
Stohl, Eric	Tholl, John Jr	Thomas, Yvonne	

**GRAFTON**

Aguir, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Bulis, Lyle	Cooney, Mary	Estes, Carole
Friedrich, Carol	Hammond, Lee	Harding, A Laurie	Lovett, Sid
Matheson, Robert	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Pierce, David	Preston, Philip	Solomon, Peter	Williams, Burton

**HILLSBOROUGH**

Beck, Catriona	Bergin, Peter	Brunelle, Michael	Christensen, Chris
Clark, Mark	Cote, David	Cote, Peter	Daler, Jennifer
Dokmo, Cynthia	Drisko, Richard	Emerton, Larry	Essex, David
Fontas, Jeffrey	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Goley, Jeffrey	Graham, John	Haley, Robert
Hall, Betty	Hammond, Jill	Harvey, Suzanne	Hogan, Edith
Irwin, Anne-Marie	Jean, Claudette	Kaelin, Michael	Kelley, John

Knowles, John  
Lasky, Bette  
Long, Patrick  
Mesa, Lily  
O'Neil, James  
Rosenwald, Cindy  
Simon, Anthony  
Sullivan, Francis

Knowles, Mary Ann  
Leishman, Peter  
Mack, Ron  
Messier, Irene  
Pilotte, Maurice  
Schulze, Joan  
Smith, David  
Sysyn, Mary

Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
Mooney, Maureen  
Price, Pamela  
Shattuck, Gilman  
Spaulding, Jayne  
Tahir, Saghir

L'Heureux, Robert  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
Movsesian, Lori  
Reuschel, Michael  
Shaw, Kimberly  
Spratt, Stephen  
Villeneuve, Maurice

### MERRIMACK

Beauchesne, Suzanne  
Brueggemann, Donald  
Ehlers, Eileen  
Hamm, Christine  
MacKay, James  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Blanchard, Elizabeth  
Clarke, Claire  
French, Barbara  
Kelly, Sally  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
Gile, Mary  
Kidder, David  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Brown, Carole  
DeStefano, Stephen  
Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
Cali-Pitts, Jacqueline  
Day, Judith  
Gould, Kenneth  
Kappler, Lawrence  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Splaine, James  
Winchell, George

Borden, David  
Case, Frank  
Elliott, Robert  
Grote, Otto  
Kelley, Jane  
McCarthy, Linda  
Moore, Bennett  
Rausch, James  
Stiles, Nancy

Brown, C. Pennington  
Casey, Kimberley  
Emiro, Frank  
Howard, Doreen  
Kennedy, James  
McEachern, Paul  
Nord, Susi  
Russell, Trinka  
Wells, Roger

Buxton, Donald  
Dalrymple, David  
Flockhart, Eileen  
Johnson, Robert  
Lister, Charlotte  
McKenna, Daniel  
Pantelakos, Laura  
Snow, Richard  
Wickson, Rick

### STRAFFORD

Berube, Roger  
Brown, Larry  
Grassie, Anne  
Knowles, William  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Brennan, William  
Cyr, James  
Hilliard, Dana  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Brown, Jennifer  
Fargo, Thomas  
Hubbard, Pamela  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brown, Julie  
Goodwin, Earle  
Kaen, Naida  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Skinder, Carla

Donovan, Thomas  
Houde, Matthew

Franklin, Peter  
Jillette, Arthur Jr

### NAYS 117

#### BELKNAP

Allen, Janet  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Thomas, John  
Whalley, Michael

Clark, Charles  
Tilton, Franklin

Nedea, Stephen  
Tobin, William

#### CARROLL

Ahlgren, Christopher  
Merrow, Harry

Buco, Thomas

Butler, Edward

Chandler, Gene

#### CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Loll, Thomas



**COOS**

King, Frederick

**GRAFTON**

Dingman, Vernon III

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

**HILLSBOROUGH**

Baroody, Benjamin

Christiansen, Lars

Day, Russell

Goyette, Peter

Jasper, Shawn

Levasseur, Nickolas

O'Connell, Timothy

Reeves, Sandra

Soucy, Connie

Vaillancourt, Steve

Barry, Richard

Coughlin, Pamela

Elliott, Nancy

Haefner, Robert

Katsiantonis, George

Manney, Pamela

Ober, Lynne

Renzullo, Andrew

Stepanek, Stephen

Winters, Joel

Beaulieu, Jane

Crane, Elenore Casey

Fletcher, Richard

Hansen, Ryan

Kurk, Neal

Martineau, Jesse

Ober, Russell III

Rowe, Robert

Sullivan, Daniel

Bergeron, Jean-Guy

Daniels, Gary

Gorman, Mary

Hinkle, Peyton

Lawrence, James

McRae, Karen

Peterson, Andy

Shaw, Barbara

Ulery, Jordan

**MERRIMACK**

Anderson, Eric

Humphries, Charlie

Lockwood, Priscilla

Reed, Dennis

**ROCKINGHAM**

Allen, Mary

Bettencourt, David

Charron, Gene

Flanders, John Sr

Guthrie, Joseph

Introne, Robert

Lund, Howie

Nowe, Ronald

Quandt, Matthew

Waterhouse, Kevin

Baldasaro, Alfred

Bishop, Franklin

Devine, James

Garrity, James

Headd, James

Itse, Daniel

Major, Norman

Packard, Sherman

Reagan, John

Weare, Everett

Bedrick, Jason

Camm, Kevin

Dumaine, Dudley

Gleason, John

Hutchinson, Karen

Katsakiores, George

McKinney, Betsy

Priestley, Anne

Robertson, Carl

Welch, David

Belanger, Ronald

Carson, Sharon

Fesh, Bob

Griffin, Mary

Ingram, Russell

Katsakiores, Phyllis

McMahon, Charles

Quandt, Marshall

Sanders, Elisabeth

Weyler, Kenneth

**STRAFFORD**

Billian, Deborah

Hofemann, Roland

Burke, Rachel

Oppenheimer, Kay

DeChane, Marlene

Srnc, Robert

Domingo, Baldwin

Watson, Robert

**SULLIVAN**

Ferland, Brenda

Phinizy, James

Rodeschin, Beverly

and the majority committee report was adopted.

Ordered to third reading.

**SB 52**, relative to authorizing the attorney general to bring actions for violations of New Hampshire combination and monopolies law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew S. Houde for Commerce: This bill, requested by the attorney general's office, would: enable the attorney general to bring actions for violations of combination and monopolies laws (e.g., price-fixing) as *parens patriae* on behalf of natural persons residing in the state - whether the injured person dealt directly or indirectly with the defendant; allow recovery of actual damages, legal fees, and between two to three times actual damages for willful violations; and allow the state and individuals who were indirectly injured to bring suit (the existing law only allows the attorney general's office and an individual consumer to sue for violations if they were injured directly). The majority of the committee supported SB-52 since it provided a necessary tool for the attorney general to protect consumers (the bill would allow the attorney general to join other states' litigation efforts); however, the majority also thought the bill should be amended by deleting the provision that allowed individuals who were indirectly injured to bring suit as that provision would potentially increase litigation involving innocent entities (i.e., the entity in between the defendant and injured consumer in the chain of commerce). Vote 11-6.

**Amendment (1436h)**

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

Amendment adopted.

Committee report adopted and ordered to third reading.

**SB 135**, establishing a commission to study lowering costs of health insurance for small businesses. **OUGHT TO PASS.**

Rep. Stephen P. Spratt for Commerce: This bill establishes a commission to create a report identifying approaches and products targeted at lowering the cost of health insurance for small businesses. The intent of the bill is to provide relief for small businesses, creating a shortened window for legislative action by requiring the commission to report its findings and recommendations on or before November 1, 2007. Support for the bill included, among others, the Business and Industry Association, the NH Medical Society, the Citizen's Health Initiative and the Nashua Chamber of Commerce. The bill received no opposition in the public hearing. Vote 12-2.

Committee report adopted and ordered to third reading.

**SB 183-FN**, requiring health insurance plans for family coverage to extend to dependent under age 26. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce: This is the Senate version of the expansion of health insurance for 18 - 26 year olds. The committee worked diligently on the House version of this legislation which passed the House with a strong bi-partisan vote. It then passed the Senate with only minor revision. Therefore the majority feels (as does the Senate sponsor) that this Senate bill is now duplicative and is therefore inexpedient to legislate. Vote 10-7.

Committee report adopted.

**UNANIMOUS CONSENT**

Rep. Nordgren addressed the House.

The House recessed at 12:15 p.m.

**RECESS****(Speaker Norelli in the Chair)**

The House reconvened at 1:20 p.m.

**REGULAR CALENDAR (CONT'D)**

**SB 220**, establishing a commission to study the feasibility of establishing a public review board for health insurance rate increase requests. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F. Winters for Commerce: This bill would create a commission to study creating a public review board to review health insurance rate increase requests. On the face of it, it may sound like an appealing idea; but what are the consequences? For a private business to ask for permission to raise its prices, that flies in the face of the idea of a free market. A fast food restaurant does not need to consult anyone before changing its prices; this allows the industry to stay competitive. Laying more bureaucracy onto the health insurance industry can only result in it passing the cost of compliance onto our constituents through higher premiums something we all want to avoid. Vote 9-8.

Reps. Nord and McEachern spoke against.

Rep. Reardon spoke in favor and yielded to questions.

Rep. Marshall Quandt spoke against and yielded to questions.

Rep. Hunt spoke in favor.

On a division vote, 185 members having voted in the affirmative and 145 in the negative, the committee report was adopted.

**SB 254**, relative to legal representation during contract negotiations. **OUGHT TO PASS.**

Rep. Matthew S. Houde for Commerce: This bill clarifies a provider's right to legal representation during contract negotiations with a health carrier. The bill was introduced in response to health carriers' practice of refusing to negotiate with counsel selected by the provider during contract negotiation sessions unless counsel agreed to sign a confidentiality agreement with the carrier. The majority of the committee believed that requiring counsel for the provider to enter into a confidentiality agreement with the carrier was not only unnecessary (since attorneys are required by

their rules of professional conduct to maintain the confidentiality of information obtained in the course of representation) but also could create a potential conflict of interest for counsel. Moreover, the majority of the committee believed the playing field between providers and health carriers during contract negotiations (over reimbursement rates, etc) should be level, and having counsel for providers fully present and able to engage in the negotiations is the best way to assure this. Vote 9-4. Committee report adopted and ordered to third reading.

**SB 41**, relative to the authority of law enforcement officers to obtain registration checks on motor vehicles for official purposes and prohibiting the use of automated number plate scanning devices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Welch for the Majority of Criminal Justice and Public Safety: This bill resolves a misinterpretation of a 2006 passed statute which prohibits surveillance on public ways by state or political subdivisions of the state to determine ownership of a motor vehicle through the use of cameras or other imaging devices, etc. An interpretation of this language has resulted in several DWI cases to be dismissed as the judge determined that law enforcement officers were not in compliance with the law by checking the license plate number using a radio or in the cruiser computer. The judge thought the officers should have been charged. This bill re-instates the practice of checking plate numbers by law enforcement officers to identify stolen vehicles, locate lost persons and in some cases identify a vehicle that may be registered to a person that may have a restraining order or pending warrant or for some other general crime detention purposes. The majority amendment clarifies that the system used to capture the image of a license plate of a toll violator at an E-Z Pass toll gate is allowable. Vote 14-1.

Rep. Jeffrey P. Fontas for the Minority of Criminal Justice and Public Safety: The minority is in agreement with many components of this bill. It understands the need for law enforcement to be able to execute queries of license plates during traffic stops and when an officer is suspicious of commitment of a particular offense. However, the minority feels that, as with all legislation, authority should be given with rational consideration of all its consequences. It recommends that license plate queries should be subject to at least some guideline or restriction, and not void of any restraint whatsoever. Limiting the scope of this authority would increase the efficiency of law enforcement while eliminating the unforeseen potential for abuse. The minority asks that the House give due consideration to the amendment proposed by the minority.

#### **Majority Amendment (1343h)**

Amend RSA 261:75-b as inserted by section 1 of the bill by replacing it with the following:

261:75-b Use of Automated Number Plate Scanning Devices Prohibited. The use of automated number plate scanning devices is prohibited except as provided in RSA 236:130.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Highway Surveillance Prohibited; Exceptions. Amend RSA 236:130, III(d)-(e) to read as follows:

(d) Is incidental to the monitoring of a building or other structure under the control of the state or a political subdivision of the state; [or]

(e) *Is undertaken for purposes of operation of the E-Z Pass system.*

(f) Is undertaken for the security of the following bridges and approach structures: I-95 Piscataqua River Bridge, Sarah Mildred Long Bridge, and the Memorial Bridge, all in Portsmouth.

#### **AMENDED ANALYSIS**

This bill clarifies the authority of law enforcement officers to obtain through electronic query from the department of safety the registration information on number plates for official purposes.

This bill also prohibits the use of automated number plate scanning devices, with certain exceptions.

Rep. Winters spoke against.

Rep. Welch spoke in favor and yielded to questions.

On a division vote, 212 members having voted in the affirmative and 123 in the negative, the majority committee amendment was adopted.

Reps. Fontas and Kurk offered floor amendment (1913h).

**Floor Amendment (1913h)**

Amend section 1 of the bill by inserting after RSA 261:75-b the following:

261:75-c Standards for Number Plate Checks. Inquiries made under the authority of RSA 261:75-a that relate to a motor vehicle within the curtilage of a private residence shall be based upon an articulable suspicion that the motor vehicle or its owner or occupants were involved in a particular offense.

Rep. Fontas spoke in favor.

Rep. Stevens spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Floor amendment (1913h) failed.

Majority committee report adopted and ordered to third reading.

**SB 57**, requiring a course in civics for high school graduation. **INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M. Carson for Education: This bill would include an additional requirement for high school graduation by taking away one half credit of social studies and replacing it with civics. The committee strongly agreed with the bill's sponsor that all New Hampshire students should receive a civics education. New Hampshire's social studies frameworks and assessment requirements have a strong focus on civics education. Testimony provided showed that school districts across the state are either teaching a stand alone class or integrating civics into other social studies/history classes. Since this is already being done, the majority of the committee believes it is inappropriate to micromanage school districts in this subject area. Vote 13-4.

Committee report adopted.

**SB 245**, relative to the New Hampshire college tuition savings plan. **OUGHT TO PASS.**

Rep. Charles B. Yeaton for Education: This bill makes minor revisions to bring our tuition savings plan into compliance with federal laws. New Hampshire's tremendously successful program is a model for other states and is used by many people both in New Hampshire and throughout the United States. Vote 17-0.

Committee report adopted and ordered to third reading.

**SB 91**, relative to political contributions by corporations, partnerships, and labor unions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. Splaine for Election Law: The committee spent considerable time discussing the way that contributions and expenditures by corporations, businesses, partnerships, and unions are made to candidates or used to influence political decisions, as well as how those contributions and expenditures are reported. The committee recommends this bill as amended because it preserves important core elements of current New Hampshire law. New Hampshire has had prohibitions of direct contributions by corporations since 1911, and in 1955 added the prohibition by unions. This has helped prevent political corruption and excessive influence-peddling in the political process of our state. A court decision in 1999 declared outright prohibition of corporate donations to be unconstitutional, thus creating an imbalance since now corporations can contribute directly from their treasury, but unions cannot. In an effort to truly level the field, this bill as amended continues our traditional prohibition of donations by corporations, businesses, partnerships and unions but allows those organizations to create a political action committee. This guarantees their right to participate in the democratic process while also ensuring full disclosure to the Office of Secretary of State of their expenditures and contributions. Therefore, passage of SB 91 as amended will accomplish two goals: 1 – level the field for the constitutional right of business organizations and unions to participate in the political process; and, 2 – provide full disclosure reporting for transparency of their expenditures and donations, so the voters will know to whom they are giving funding, and other ways that they are attempting to influence political decision-making. Vote 17-0.

**Amendment (1721h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to permissible campaign contributions by business organizations and labor unions.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Political Expenditures and Contributions; Definitions; Segregated Accounts.  
Amend RSA 664:2 by inserting after paragraph XVII the following new paragraph:

XVIII. "Segregated account" means an account funded by contributions solicited from a business organization's, labor union's, or group of labor unions' employees, officers, shareholders, directors, partners, or members for political purposes.

2 Political Expenditures and Contributions; Prohibited Political Contributions; Business Organizations. RSA 664:4, I is repealed and reenacted to read as follows:

I. By any business organization, or by any officer, director, executive, agent, partner, or employee acting in behalf of such business organization. This shall not prohibit the establishment by a business organization of a political committee that operates as a separate entity from the business organization, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals. The provisions of this section shall not apply to sole proprietorships.

3 Political Expenditures and Contributions; Prohibited Political Contributions; Labor Unions; Segregated Account Exception. Amend RSA 664:4, III to read as follows:

III. By any labor union or group of labor unions, or by any officer, director, executive, agent, or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent, or employee acting in behalf of such organization. *This shall not prohibit the establishment by a labor union or group of labor unions of a political committee that operates as a separate entity from the labor union or group of labor unions, provided that the committee's expenditures and contributions are made through a separate, segregated account consisting only of voluntary contributions solicited from individuals.*

4 Repeal. RSA 664:4, II, relative to prohibited political contributions by partnerships, is repealed.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill permits business organizations and labor unions to establish political committees. Amendment adopted.

Committee report adopted and ordered to third reading.

**SB 98**, relative to party access to voter information. **OUGHT TO PASS WITH AMENDMENT.** Rep. Charles F. Weed for Election Law: This bill enables the sale of the statewide voter list by the secretary of state to official state parties. The list includes voter's name, street address, mailing address, town or city, gender, birth year, voter history, and party affiliation. This list may be used only for "political" purposes; the penalty for selling the lists for other purposes is a misdemeanor and for buying it, a felony. Vote 13-5.

#### Amendment (1587h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Party Access to Voter Information. Amend RSA 654 by inserting after section 45 the following new section:

654:46 Party Access to Voter Information.

I. Notwithstanding any other provision of law, the secretary of state shall, upon request, provide to a party, as defined in RSA 652:11, a list of the name, street address, mailing address, town or city, gender, year of birth, voter history, and party affiliation, if any, of every registered voter in the state. In this section, "voter history" means the elections at which the voter voted. The secretary of state may charge a fee of up to \$25 plus \$0.50 per thousand names or portion thereof in excess of 2,500 plus shipping charges for each copy of the list provided under this section. The secretary of state may provide lists as prescribed in this section on paper, computer disk, computer tape, electronic transfer, or any other form. Fees collected by the secretary of state under this section shall be deposited in the election fund established pursuant to RSA 5:6-d.

II. No party shall use or permit the use of voter information provided by the secretary of state under paragraph I for commercial purposes as defined in RSA 654:31, I(b). Whoever knowingly violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill requires the secretary of state to provide certain information about registered voters to political parties. The bill also prohibits the parties from using the voter information provided for any commercial purpose.

Amendment adopted.

Rep. Kurk offered floor amendment (1904h).

**Floor Amendment (1904h)**

Amend the bill by replacing section 1 with the following:

1 New Section; Party Access to Voter Information. Amend RSA 654 by inserting after section 45 the following new section:

654:46 Party Access to Voter Information.

I. Notwithstanding any other provision of law, the secretary of state shall, upon request, provide to a recognized political party a list of the name, street address, mailing address, town or city, gender, year of birth, voter history, and party affiliation, if any, of every registered voter in the state. In this section, "voter history" means the elections at which the voter voted. The secretary of state may charge a fee of up to \$25 plus \$0.50 per thousand names or portion thereof in excess of 2,500 plus shipping charges for each copy of the list provided under this section. The secretary of state may provide lists as prescribed in this section on paper, computer disk, computer tape, electronic transfer, or any other form. Fees collected by the secretary of state under this section shall be deposited in the election fund established pursuant to RSA 5:6-d.

II.(a) A registered voter may elect at any time not to have his or her name and other voter information appear on any list in any format made available by the secretary of state pursuant to paragraph I. The public checklist shall include a box to check off for the supervisors to record the voter's election. If a voter so elects, the secretary of state shall not thereafter include the name or voter information of the voter on any list provided under paragraph I, nor shall the secretary of state make available a list of the voters who have so elected. Nothing in this paragraph shall be interpreted to cause either the supervisors of the checklist or the secretary of state to remove from the public checklist available for examination by any person pursuant to 654:31 the name and checklist information of a voter making the election permitted by this paragraph.

(b) The supervisors of the checklist and the secretary of state shall inform voters at the time of registration and at reasonable times thereafter in a clear, simple, and conspicuous manner of their right to make the election permitted by this paragraph.

**AMENDED ANALYSIS**

This bill requires the secretary of state to provide certain information about registered voters to recognized political parties. The bill permits voters to elect that their information not appear on lists of such information provided by the secretary of state.

Rep. Pierce spoke against.

Rep. Kurk spoke in favor and yielded to questions.

On a division vote, 151 members having voted in the affirmative and 170 in the negative, floor amendment (1904h) failed.

The question now being adoption of the committee report of Ought to Pass with Amendment.

On a division vote, 182 members having voted in the affirmative and 141 in the negative, the committee report was adopted.

Ordered to third reading.

**SB 71**, relative to setback requirements for new landfills located near designated rivers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James F. Powers for Environment and Agriculture: Fourteen of New Hampshire's 189 rivers and major streams have been designated by the legislature as protected because of their outstanding natural and cultural resources. About 93% of New Hampshire's waterways are not designated, and would not be affected by SB 71. This bill as amended decreases the chance of pollution from new or expanded landfills entering these waterways due to flooding. Present law specifies that new landfills shall not be permitted "within the corridor of the designated river." This bill keeps that language but adds, "or less than 100 feet from the landward extent of the 500 year flood plain, whichever distance is greater." This bill's language for defining the permitted expansion of exist-

ing landfills is essentially the same as in current law. There are two types of designated rivers: natural rivers and rural rivers; the bill (like current law) applies to both. There is an exception to allow expansion of the Waste Management landfill in Rochester within the river corridor. This exception is important to meet the landfill requirements of the state. Vote 12-2.

### Amendment (1786h)

Amend the bill by replacing all after the enacting clause with the following:

1 Natural Rivers Protection. Amend the introductory paragraph of RSA 483:9, VI and RSA 483:9, VI (a) and (b) to read as follows:

VI. Any new solid waste storage or treatment facility, as defined in RSA 149-M:4, ~~[X] IX~~ shall be set back a minimum of 250 feet from the normal high water mark of a designated natural river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within the corridor of a designated natural river or segment, *or less than 100 feet from the landward extent of the 500 year floodplain, whichever distance is greater, and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact;*

(b) *Expansion of existing* ~~[-permitted and secure]~~ solid waste landfills shall not ~~[be expanded]~~ occur within the 500 year floodplain of a designated natural river or segment and any expansion of such a landfill located within the corridor of a designated natural river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact.

2 Rural River Protection; Landfill Setback. Amend RSA 483:9-a, VII to read as follows:

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:4, IX shall be set back a minimum of 250 feet from the normal high water mark of a designated rural river or segment and *shall be* screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within ~~[the 500 year floodplain of a designated rural river or segment and any new solid waste landfill located within]~~ the corridor of a designated rural river or segment ~~[shall be set back a minimum of]~~ *or less than 100 feet from the landward extent of the 500 year floodplain, whichever distance is greater, and shall be* screened from the river with a vegetative or other natural barrier to minimize visual impact.

(b) *New solid waste landfills may be permitted within the city of Rochester within the corridor of the segment defined in RSA 483:15, XIV(c), and if located in the river corridor shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact;*

(c) *Expansion of existing solid waste landfills shall not occur within the 500 year floodplain of a designated rural river or segment, and any expansion of such a landfill shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact;*

~~[(b)](d)~~ Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes;

~~[(c)](e)~~ An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated rural river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

~~[(d)](f)~~ The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated rural river or segment.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Committee report adopted and ordered to third reading.

**SB 35-FN-A**, making an appropriation for disaster relief assistance in response to the May 2006 floods and establishing a committee to study the distribution of financial disaster assistance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Linda T. Foster for Finance: This bill provides funds to address flood damage sustained by communities in the May 2006 floods. The \$2,200,000 represents the required state match under

the formula that has been traditionally applied that requires local municipalities to pay 12.5 percent of eligible costs. The bill also appropriates \$1,500,000 to be used as the state match for FEMA eligible projects resulting from the April 2007 floods. These funds are intended to address early projects that may be submitted prior to the legislature reconvening in January 2008 at which time it is expected that the Department of Safety, Bureau of Emergency Management will have a more comprehensive inventory of projects and their costs. The funds will be expended utilizing the traditional formula of 75% federal, 12.5% state and 12.5% local. Finally, the bill establishes a committee to study the distribution of financial disaster assistance and establishes a deadline of November 01, 2007 for its work. Vote 18-0.

#### **Amendment (1697h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** making an appropriation for disaster relief assistance in response to the May 2006 and April 2007 floods and establishing a committee to study the distribution of financial disaster assistance.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; State Matching Funds for May 2006 Disaster Assistance Grants. In response to flood damage sustained by communities in May 2006, a sum not to exceed \$2,200,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2007, as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency (FEMA). With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act to any eligible FEMA applicant that submitted a timely request for such assistance based on the disaster area declaration date. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs, except that the local municipality first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, 2009.

2 Appropriation; State Matching Funds for April 2007 Disaster Assistance Grants. In response to flood damage sustained by communities in April 2007, a sum not to exceed \$1,500,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2007, as the required state match for federal disaster assistance funds from FEMA. With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act for payment of claims in the order in which they were filed, to any eligible FEMA applicant that submitted a timely request for such assistance based on the disaster area declaration date. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs, except that the local municipality first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, 2009.

3 Committee to Study the Distribution of Financial Disaster Assistance Established.

I. There is established a committee to study the distribution of financial disaster assistance to local communities. The committee shall be comprised of 3 members, one of whom shall be appointed by the governor, one of whom shall be appointed by the senate president, and one of whom shall be appointed by the speaker of the house of representatives.

II. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate appointee. The first meeting of the committee shall be held within 30 days of the effective date of this section.

III.(a) The committee shall study policies relative to state and local matching funds required for federal disaster assistance from FEMA. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2007.

(b) The committee also shall study policies relative to state payment for private property damaged by disaster, as well as state payment for municipal expenses in municipalities, such as



Dorchester and Colebrook, that have not been declared disaster areas by FEMA. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2007.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill appropriates state matching funds to the department of safety, bureau of emergency management, for disaster assistance to the communities that sustained flood damage in May 2006 and April 7. The bill also establishes a committee to study the distribution of disaster assistance to local communities.

Amendment adopted.

Committee report adopted and ordered to third reading.

**SB 149**, relative to the 2 family support councils for the developmentally disabled serving Lebanon and Claremont. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan Emerson for Health, Human Services and Elderly Affairs: In 2005, the Department of Health and Human Services merged four area agencies and made one Northern Region and one Southwest Region which is Claremont and Lebanon. The North Country merger went well. They picked one delegate to send to the State Family Support Council with one vote. The Southwest Region wants two voting delegates. Lebanon asked the Department of Health and Human Services for a waiver to continue sending its own delegate and was denied. This is why this legislation was brought forward and is unnecessary. There is a danger this could be setting a precedent which we would later regret. Vote 10-5.

Committee report adopted.

**SB 33-FN**, equalizing the pay of administrative judges in the judicial branch. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frances D. Potter for the Majority of Judiciary: In the Senate this bill was supported unanimously in committee and in the entire body. The fiscal note indicates that the total cost for the two administrative judges affected would be a bit over \$20,000 (using current salary figures). The bill was presented on the basis of the Court's belief that "we're all in this together" thus the Superior Court administrative judge should not receive more than administrative judges in other courts. Vote 12-4.

Rep. Nancy J. Elliott for the Minority of Judiciary: This bill increases the pay for administrative judges in the Family Division and Probate Courts over the salary of the other sitting judges in these courts. The chief of the Supreme and Superior court are statutory posts appointed by the Governor and Council, the administrative judges are established by court rule and the judges appointed by the chief justices. The judge appointed as an administrative judge will take time from his or her duties sitting on the bench and not additional time. The pay should be the same as all judges in these courts.

Rep. Rowe spoke against.

Rep. Potter spoke in favor.

On a division vote, 178 members having voted in the affirmative and 134 in the negative, the majority committee report was adopted.

Ordered to third reading.

Reps. Coughlin and King declared a conflict of interest on **SB 33-FN** and did not participate.

**SB 216**, relative to certification of employee organizations to represent public employees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P. Goley for the Majority of Labor, Industrial and Rehabilitative Services: The bill allows a bargaining unit to request certification of its representative through a petition accompanied by the signatures of a majority of the bargaining unit members. Technical corrections were made in addition to a compromise on the time period of the gathering of employee signatures. Vote 9-7.

Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services: The minority opposes SB 216 because: (a) there was no testimony that it was needed – the current system is working fine; (b) the passage of this bill strips public employees of their right to vote through secret ballots; (c) there was testimony that the AFL-CIO has called pledge cards "unreliable"; (d) the 180-day timeframe needed for the proposed process is inappropriate and significantly exceeds

the 45 days or less that the current process now takes; (e) the proposed process removes the safeguards that now exist for the certification process; and (f) the bill provides no mechanism for ensuring that employees (who may have signed a card six months earlier) have not changed their mind before submission of the cards for certification. For these reasons the minority believes that the legislature should not disrupt a process that has been working well, to the benefit of our public employees.

### **Majority Amendment (1322h)**

Amend the bill by replacing sections 1 and 2 with the following:

1 New Paragraph; Public Employee Labor Relations; Definition. Amend RSA 273-A:1 by inserting after paragraph XI the following new paragraph:

XII. "Written majority authorization" means writings signed and dated by employees in the form of authorization cards, petitions, or such other written evidence as the public employee labor relations board under RSA 273-A:10 shall find suitable, in which a majority of employees in an appropriate bargaining unit designate an employee organization as their representative for the purpose of collective bargaining. Current employee signatures must be dated within the 6 months preceding the date on which the writings are offered to establish majority and exclusive representative status.

2 New Paragraph; Public Employee Labor Relations; Elections. Amend RSA 273-A:10 by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding any other provision of this section, the board shall certify and the public employer shall recognize as the exclusive representative an employee organization which has received a written majority authorization for the purpose of collective bargaining of all the employees in the bargaining unit. This rule shall apply only when no other employee organization has been and currently is lawfully recognized as the exclusive representative of the employees in the appropriate bargaining unit. When an employee organization offers evidence that it has received a written majority authorization, the employee organization and the public employer shall agree on a neutral party to conduct a confidential inspection of the evidence of written majority authorization. If within 10 days the employee organization and the public employer do not agree upon a neutral party, the board shall act as the neutral party. The neutral party shall verify the employee organization's majority support within the appropriate bargaining unit and report the results of such inspection in writing to the parties and, if the verification was conducted by an agreed neutral party, to the board, which shall in turn, certify the results to the parties in writing. The board shall establish rules and procedures for the prompt verification of evidence of written majority authorization, including safeguards to protect the privacy of individual employee choice, and shall provide that, absent exceptional cause, the verification procedure shall not last longer than 10 days from the appointment of the neutral party or from assumption by the board of the duties of the neutral party. Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Reps. Bedrick and Daniels spoke against.

Rep. DiFruscia spoke against and yielded to questions.

Reps. Ryan and Sally Kelly spoke in favor.

Rep. Mears requested a roll call; sufficiently seconded.

**YEAS 176 NAYS 151**

**YEAS 176  
BELKNAP**

Reever, Judith

### **CARROLL**

Buco, Thomas

Butler, Edward

Cunningham, Howard

Heard, Virginia

### **CHESHIRE**

Allen, Peter

Burridge, Delmar

Butcher, Suzanne

Butterworth, Timothy

Butynski, William

Chase, William

Eaton, Daniel

Espieffs, Peter

Loll, Thomas

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

Sad, Tara

Weber, Lucy

Weed, Charles

**COOS**

Hatch, William

Mears, Edgar

Theberge, Robert

Thomas, Yvonne

**GRAFTON**

Aguiar, James

Almy, Susan

Andersen, Gene

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Estes, Carole

Friedrich, Carol

Hammond, Lee

Matheson, Robert

McLeod, Martha

Mulholland, Catherine

Nordgren, Sharon

Pierce, David

Preston, Philip

Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin

Beaulieu, Jane

Beck, Catriona

Brunelle, Michael

Cote, David

Daler, Jennifer

Edwards, Andrew

Essex, David

Fontas, Jeffrey

Foster, Linda

Garritty, Patrick

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Hammond, Jill

Harvey, Suzanne

Holden, Randolph

Irwin, Anne-Marie

Jean, Claudette

Kaelin, Michael

Kelley, John

Knowles, John

Knowles, Mary Ann

Kopka, Angeline

Lasky, Bette

Leishman, Peter

Levasseur, Nickolas

Levesque, Melanie

Lisle, Carolyn

Long, Patrick

Mack, Ron

Martineau, Jesse

Mesa, Lily

Movsesian, Lori

O'Brien, Michael Sr

Pilotte, Maurice

Reuschel, Michael

Rosenwald, Cindy

Schulze, Joan

Shattuck, Gilman

Smith, David

Spratt, Stephen

Sullivan, Francis

Sysyn, Mary

Winters, Joel

**MERRIMACK**

Baxley, Maureen

Beauchesne, Suzanne

Bouchard, Candace

Brown, Carole

Brueggemann, Donald

Clarke, Claire

Davis, Frank

DeStefano, Stephen

Ehlers, Eileen

French, Barbara

Gile, Mary

Hamm, Christine

Kelly, Sally

Kjellman, Eleanor Glynn

McMahon, Patricia

Osborne, Jessie

Owen, Derek

Porter, Margaret

Potter, Frances

Reardon, Tara

Richardson, Gary

Ryan, Jim

Shurtleff, Stephen

Tilton, Joy

Tupper, Frank

Wallner, Mary

Walz, Mary

Webb, Leigh

Wheeler, Deborah

Williams, Robert

Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis

Borden, David

Brown, C. Pennington

Cali-Pitts, Jacqueline

Casey, Kimberley

Emiro, Frank

Flockhart, Eileen

Grote, Otto

Guthrie, Joseph

Howard, Doreen

Kelley, Jane

Kennedy, James

Lister, Charlotte

McCarthy, Linda

McEachern, Paul

McKenna, Daniel

Moody, Marcia

Nord, Susi

Pantelakos, Laura

Powers, James

Quandt, Marshall

Quandt, Matthew

Russell, Trinkia

Snow, Richard

Splaine, James

**STRAFFORD**

Berube, Roger

Brennan, William

Brown, Jennifer

Brown, Larry

Browne, Brendon

Burke, Rachel

Cyr, James

DeChane, Marlene

Domingo, Baldwin

Hilliard, Dana

Hofemann, Roland

Hubbard, Pamela

Knowles, William

Miller, Joseph

Oppenheimer, Kay

Perry, Robert

Rollo, Deanna

Rollo, Michael

Rous, Emma

Schmidt, Peter

Smith, Marjorie

Spang, Judith

Sprague, Dale

Vachon, Dennis

Wall, Janet

**SULLIVAN**

Cloutier, John

Converse, Larry

Donovan, Thomas

Ferland, Brenda

Franklin, Peter

Gottling, Suzanne

Houde, Matthew

Jillette, Arthur Jr

Nielsen, Ellen

Phinizy, James

**NAYS 151****BELKNAP**

Allen, Janet  
Heald, Bruce  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Millham, Alida  
Thomas, John  
Whalley, Michael

Clark, Charles  
Nedeau, Stephen  
Tilton, Franklin

Flanders, Donald  
Pilliod, James  
Tobin, William

**CARROLL**

Ahlgren, Christopher  
Martin, James

Bridgham, Robert  
Morrow, Harry

Chandler, Gene  
Patten, Betsey

Knox, J. David  
Stevens, Stanley

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

**COOS**

King, Frederick

Remick, William

Stohl, Eric

Troll, John Jr

**GRAFTON**

Bulis, Lyle  
Sorg, Gregory

Dingman, Vernon III  
Williams, Burton

Gionet, Edmond

Ingbretson, Paul

**HILLSBOROUGH**

Barry, Richard  
Christiansen, Lars  
Crane, Elenore Casey  
Drisko, Richard  
Goyette, Peter  
Hansen, Ryan  
Infantine, William  
Lawrence, James  
McRae, Karen  
O'Neil, James  
Price, Pamela  
Shaw, Kimberly  
Stepanek, Stephen  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Clark, Mark  
Daniels, Gary  
Elliott, Nancy  
Graham, John  
Hawkins, Ken  
Jasper, Shawn  
Manney, Pamela  
Mooney, Maureen  
Ober, Lynne  
Reeves, Sandra  
Simon, Anthony  
Tahir, Saghir

Bergin, Peter  
Cote, Peter  
Day, Russell  
Emerton, Larry  
Haefner, Robert  
Hinkle, Peyton  
Kurk, Neal  
Marshall, Seth  
Moran, Edward  
Ober, Russell III  
Renzullo, Andrew  
Soucy, Connie  
Ulery, Jordan

Christensen, Chris  
Coughlin, Pamela  
Dokmo, Cynthia  
Gargas, Carolyn  
Hall, Betty  
Hogan, Edith  
L'Heureux, Robert  
Matarazzo, Anthony Sr  
O'Connell, Timothy  
Peterson, Andy  
Rowe, Robert  
Spaulding, Jayne  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Lockwood, Priscilla

Blanchard, Elizabeth  
MacKay, James

Humphries, Charlie  
Reed, Dennis

Kidder, David

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Carson, Sharon  
Day, Judith  
Elliott, Robert  
Gleason, John  
Ingram, Russell  
Kappler, Lawrence  
Major, Norman  
Packard, Sherman  
Robertson, Carl  
Weare, Everett  
Winchell, George

Baldasaro, Alfred  
Bishop, Franklin  
Case, Frank  
Devine, James  
Fesh, Bob  
Gould, Kenneth  
Introne, Robert  
Katsakiores, George  
McKinney, Betsy  
Priestley, Anne  
Sanders, Elisabeth  
Welch, David

Bedrick, Jason  
Buxton, Donald  
Charron, Gene  
DiFruscia, Anthony  
Flanders, John Sr  
Griffin, Mary  
Itse, Daniel  
Katsakiores, Phyllis  
Moore, Bennett  
Rausch, James  
Stiles, Nancy  
Wells, Roger

Belanger, Ronald  
Camm, Kevin  
Dalrymple, David  
Dumaine, Dudley  
Garrity, James  
Headd, James  
Johnson, Robert  
Lund, Howie  
Nowe, Ronald  
Reagan, John  
Waterhouse, Kevin  
Weyler, Kenneth

**STRAFFORD**

Brown, Julie

Fargo, Thomas

Goodwin, Earle

Watson, Robert

## SULLIVAN

Rodeschin, Beverly      Skinder, Carla  
and the majority committee report was adopted.  
Ordered to third reading.

**SCR 3**, urging preservation of traditional powers of state and local governments under international trade agreements. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for the Majority of State-Federal Relations and Veterans Affairs: As pertaining to the New Hampshire Constitution the purpose of SCR 3 is to ensure the governor of New Hampshire retains the opportunity to use the authority granted him/her by the people of this state to have input into any international and/or investment agreement that may be entered into by the federal government that could have a major impact on the citizens and businesses of New Hampshire. Whenever the U.S. Senate gives up its constitutional authority to approve all treaties by allowing the President "fast track" authority the citizens are placed at risk. There have been a number of occasions where the people of New Hampshire have paid a high price for fast tracked agreements. An issue of grave concern to many communities is who controls ground water withdrawal rights. SCR 3 tells our local congressional delegation that we as citizens desire that they withhold their final votes until the governor has had his/her input. The committee believes this resolution sends a timely message. Vote 10-3.

Rep. Alfred P. Baldasaro for the Minority of State-Federal Relations and Veterans Affairs: This bill is one of the most meaningless pieces of Legislation to come before the Legislature this year. It requests, since resolutions are non-binding by nature that the United States Trade Representative consult with state officials when negotiating trade agreements. The bombast of this resolution gets worse when it "instructs" the US Trade Representative to exempt New Hampshire from the trade agreements unless the state is the deciding partner. This resolution assumes that the Federal Government is trying to erode the rights of the state, but the statements in this resolution ignore something called the US Constitution: Article VI, paragraph 2 to be exact, a statement known as the Supremacy Clause. Our Constitution states: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof: and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the land." Whatever trade negotiations are made and adopted are done so by the authority that the people have vested in the Federal Government.

On a division vote, 191 members having voted in the affirmative and 106 in the negative, the majority committee report was adopted.

Ordered to third reading.

**SB 144-FN**, relative to the permissible sales commission on the sale of lottery tickets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael G. Marsh for Ways and Means: This bill deals with four different aspects of the operation of the lottery and other games of chance: it authorizes the lottery commission to increase the commission paid to lottery agents from a maximum of 5% of sales to 6%; it repeals the restriction on sales from mobile units by sellers other than employees of the lottery commission; it allows the lottery commission to increase sales by offering, at its discretion, incentive awards of up to \$500 to agents meeting or exceeding their sales targets and up to \$30,000 to agents selling a jackpot ticket; and it increases the maximum payout percentage for the Tri-State lotto game so we are consistent with the other two states that offer the game. All of these changes were requested by the lottery commission so that it could meet its goal of increasing the sales of scratch and Tri-State lotto tickets, and the committee voted on a bi-partisan basis to accept the recommendations of the commission with small changes. The latter two items in the bill were contained in SB 73, tabled by the House in the last session, and the committee added them back to SB 144 because they are important to help the Lottery commission meet its revenue goals. Vote 11-1.

#### Amendment (1678h)

Amend the title of the bill by replacing it with the following:

AN ACT      relative to lottery ticket sales and revenue.

Amend the bill by replacing all after the enacting clause with the following:

1 Lottery Sales; Commissions. Amend the introductory paragraph of RSA 284:21-h, II(d) to read as follows:

(d) May be sold by or for the lottery commission at designated locations, other than grounds and campuses of public and private schools, colleges, and universities, by persons, whether natural, associate, or corporate, authorized to sell such tickets on a ~~[uniform]~~ **minimum** 5 percent commission basis for services rendered ~~[, which sum shall be the sole compensation paid to the principal for such ticket selling].~~ **The commission may establish higher sales commission rates no greater than 6 percent and other sales incentives deemed necessary to increase lottery sales.** All sales shall be subject to the rules and regulations of the commission provided:

2 Repeal. RSA 284:21-h, II(d)(1), relative to requiring that sales from mobile units be limited to sales by lottery commission employees, is repealed.

3 Modification of Incentive Caps. RSA 284:21-s is repealed and reenacted to read as follows:

284:21-s Incentive Awards for Ticket Sellers. The lottery commission is authorized to pay cash incentives, at a rate established by the commission but not to exceed \$30,000 for a jackpot winning ticket, or not to exceed \$500 for each incidence of meeting or exceeding lottery commission established sales goals, as an inducement to servants and agents, authorized to sell tickets pursuant to RSA 284:21-h, II(d).

4 Elimination of Payment Restriction. Amend RSA 287-F:9, II to read as follows:

II. Within one week after a tri-state lotto drawing has been held, the party state commission shall pay to the commission, who in turn shall promptly pay to an account known as the tri-state lotto prize account, moneys as are necessary for the payment of prizes, less actual prizes paid by the respective party state in the preceding week ~~[, but not to exceed 50 percent of the total amount for which tickets have been sold].~~

5 Elimination of Payment Restriction. Amend RSA 287-F:3 to read as follows:

287-F:3 Purpose. This compact is enacted to implement the operation of tri-state lotto, for the purpose of raising additional revenue for each of the party states. Tri-state lotto is not intended to replace any existing lottery game in the party states, but, rather, to be run in addition to these games. Tri-state lotto tickets shall be sold in each of the party states and processed in a central area to be determined by the tri-state lotto commission. ~~[Fifty percent]~~ **A percentage** of the gross sales from each state shall be aggregated in a common prize pool, and operating costs shall be charged proportionally to the party states. The remaining revenues generated within each state shall remain in that particular state.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill modifies sales incentive caps for jackpot prizes and eliminates some restrictions on payments to the tri-state lotto commission.

This bill eliminates the set 5 percent commission rate on lottery ticket sales and allows the lottery commission to increase the retailer commission rate and establish sales incentives. This bill also repeals the restriction on sales from mobile units by sellers other than employees of the lottery commission.

Amendment adopted.

Committee report adopted and ordered to third reading.

### SUSPENSION OF RULES

Reps. Wallner and Whalley moved that the rules be so far suspended as to allow the last day to act on Senate Bills to be moved to Thursday, June 7, 2007.

Adopted by the necessary two-thirds.

### RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 6, 2007 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 168-FN**, establishing tuition waivers for foster children.

**SB 76-FN-L**, establishing a commission to study the proper allocation of costs for transporting convicted persons and methods for minimizing the costs of transporting convicted persons.

**SB 128-FN**, establishing an enhanced penalty for injuring another as a result of resisting arrest.  
**SB 53**, relative to membership of the board of trustees of the regional community-technical colleges.  
**SCR 4**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

**SB 159-FN-L**, relative to polling place arrangement and accessibility.

**SB 207**, extending the committee to study the funding necessary to operate the hazardous materials program in New Hampshire.

**SB 46**, requiring criminal conviction record checks of all applicants to practice medicine in New Hampshire.

**SB 81**, relative to the state building code.

**SB 231**, exempting certain department of corrections practices and procedures from the provisions of RSA 541-A.

**SB 260-FN**, relative to the location and budget practices of the lottery commission.

**SB 139-FN**, relative to the asset transfer penalty in Medicaid.

**SB 153**, establishing a committee to study changing statutory references to "mental retardation."

**SB 182**, establishing a committee to study the confidentiality of health care records in abuse and neglect proceedings.

**SB 184-FN**, relative to residential home care services providers.

**SB 30**, combining the judicial branch salary adjustment fund and the judicial branch benefit adjustment account into a single fund.

**SB 107**, authorizing the judicial branch family division and the superior court to use bail commissioners in civil cases.

**SB 109**, relative to emergency powers of the supreme court.

**SB 113-FN**, relative to the position of special justice in the district court.

**SB 170-FN**, establishing an office of mediation and arbitration within the judicial branch.

**SB 162**, establishing a commission to oversee and negotiate issues relative to the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO).

**SB 244**, relative to employers withholding from employees' wages for certain purposes.

**SB 265-FN**, relative to the state apprenticeship council and the regulation of apprenticeship programs.

**SB 106**, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch.

**SB 258**, relative to reliance on ethics committee advisory opinions.

**SB 56**, relative to Old Drewsville Road in the town of Walpole.

**SB 224-FN-A**, relative to the telecommunications planning and development advisory committee.

**SB 241**, relative to availability of cable television in manufactured housing parks.

**SB 95**, relative to bingo games conducted by senior citizens' organizations.

**SB 42-FN**, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places.

**SB 52**, relative to authorizing the attorney general to bring actions for violations of New Hampshire combination and monopolies law.

**SB 135**, establishing a commission to study lowering costs of health insurance for small businesses.

**SB 254**, relative to legal representation during contract negotiations.

**SB 41**, relative to the authority of law enforcement officers to obtain registration checks on motor vehicles for official purposes and prohibiting the use of automated number plate scanning devices.

**SB 245**, relative to the New Hampshire college tuition savings plan.

**SB 91**, relative to political contributions by corporations, partnerships, and labor unions.

**SB 98**, relative to party access to voter information.

**SB 71**, relative to setback requirements for new landfills located near designated rivers.

**SB 35-FN-A**, making an appropriation for disaster relief assistance in response to the May 2006 floods and establishing a committee to study the distribution of financial disaster assistance.

**SB 33-FN**, equalizing the pay of administrative judges in the judicial branch.

**SB 216**, relative to certification of employee organizations to represent public employees.

**SCR 3**, urging preservation of traditional powers of state and local governments under international trade agreements.

**SB 144-FN**, relative to the permissible sales commission on the sale of lottery tickets.

**UNANIMOUS CONSENT**

Rep. Graham addressed the House.

**MOTION TO PRINT REMARKS**

Rep. Daniel Eaton moved that the remarks made by Rep. Graham be printed in the Permanent Journal.

Adopted.

**REMARKS**

**Rep. Graham:** Thank you, Madam Speaker, and my colleagues for allowing me to take this time to address you. For over 140 years our nation has celebrated Memorial Day. It was first widely observed on May 30, 1868 to commemorate the sacrifices of Civil War soldiers by proclamation of General John A. Logan of the Grand Army of the Republic, an organization of former sailors and soldiers. On May 5, 1868, Logan declared in General Order No. 11 that: "The 30th day of May, 1868, is designated for the purpose of strewing with flowers or otherwise decorating the graves of comrades who died in defense of their country." Over this past weekend most, if not all, of us in the chamber participated in ceremonies commemorating those who have given that last full measure to this great nation of ours and yesterday many of us again gathered at our own NH Veterans Cemetery to pay homage to those who have made it possible for us to debate in chambers like this. It has been a year since I last stood here and paid my final respects to our fellow NH citizens who have died in the on-going war on terror. We may debate the causes and conduct of this conflict, but I am heartened that we have learned to separate the war from the warrior. In preparing to speak today I ran across a poem by Walt Whitman, entitled *Dirge for Two Veterans* (1900). In part, it reads:

O my soldiers twain! O my veterans, passing to burial!

What I have I also give you.

The moon gives you light,

And the bugles and the drums give you music;

And my heart, O my soldiers, my veterans,

My heart gives you love.

So with gratitude, respect and love and recalling the phrase that always accompanies the presentation of our flag to the family of a fallen service member, "On behalf of a grateful nation," I ask that you join me in paying tribute to our fellow NH citizens who have fallen in the past year in Iraq or Afghanistan:

Captain Douglas DiCenzo	US Army	Plymouth
Sergeant Daniel R. Gionet	US Army	Pelham
Sergeant Russell M. Durgin	US Army	Henniker
Specialist Matthew Schneider	US Army	Gorham
Corporal Nicholas Arvanitis	US Army	Salem
Lance Corporal Ryan T. McCaughn	USMC	Manchester
Specialist Matthew Stanley	US Army	Wolfeboro
Specialist Toby Olsen	US Army	Manchester
Specialist Justin Rollins	US Army	Newport
Captain Jonathan D. Grassbaugh	US Army	Hampstead

If I have mispronounced a name, my sincere apologies. Thank you, Madam Speaker.

**UNANIMOUS CONSENT**

Rep. Roberts addressed the House.

**MOTION TO PRINT REMARKS**

Rep. Whalley moved that the remarks made by Rep. Roberts be printed in the Permanent Journal.

Adopted.

**REMARKS**

**Rep. Roberts:** In America we have three dates that define us as a Nation and as a people, the first being July 4<sup>th</sup>. Independence Day, where we recognize the courage and foresight of our founding fathers who understood that failure was not an option. As one founding father stated, "If we lose,



we hang together.” The second is November 11<sup>th</sup>, Veterans Day, where we try to honor every single man, woman and child that has worn the uniform of our country, but most of all we want to say a special thanks to the 45,570,861 veterans that have served during time of war from 1775 to November 2006. Thirdly, and some may rightly say the most important but often the least acknowledged, is Memorial Day, a day that is not even uniformly acknowledged from year to year let alone from community to community. It is the rare person who truly understands that the death and suffering of war does not end when the peace treaty is signed and the victory parades have run their routes. We often weep for the youths that have had their lifeblood drained from them on the battlefields. We build statues to the ones that never returned. Elected leaders take photo ops with service members who have lost limbs. What about the ones that have returned to us only to depart before their time? The true heroes and warriors say little to nothing, they suffer a little each day in silence believing themselves to be the lucky ones; they made it home. For some, life will become a living hell unknowingly dying a little each day, for others a living death but in either case a life rarely known or understood by others. So today, as Americans, today as veterans, today as brothers and sisters in arms, today as family members, let us honor the 685,768 American service members that have spilled their life blood on battlefields under every condition imaginable to man and in every corner of this world. Let us honor the 540,490 who also lost their lives serving both at home, foreign posts and ports of call. That is 1,226,268 sons, fathers, grandfathers, brothers and now sisters and mothers along with a number too gut wrenching to say, children. We often forget those 12 year old boys beating the war drum alongside Old Glory and the battle colors proudly and bravely marching toward the sound of enemy fire, nor the young cabin boys proudly serving on ships of the line. Let us honor these proud service members by not talking of sacrifice but by talking of their accomplishments. Let us never display pity nor feel sorry for them, for they were the chosen few that stood up to be counted when it mattered the most. Many gave their lives knowingly and willingly not because they desired to be remembered as heroes, but deep down inside they knew it was the right thing to do. They understood, just as our founding fathers clearly understood, that the very survival of the nation often rested on their shoulders. They understood that conviction is the mother of courage. They understood that they were making a difference. As Teddy Roosevelt once stated, “The honor belongs to those that enter the arena, for many talk of entering but far too few will ever leave their seats to do so.” So let us all stand a little straighter, let us all stand a little taller and honor these brave men, women and children who have given me the opportunity to speak today and you the opportunity to listen, but let us never forget the pain, suffering, loss and sacrifice that their families made and many still endure.

### UNANIMOUS CONSENT

Rep. Kjellman addressed the House.

### MOTION TO PRINT REMARKS

Rep. Shurtleff moved that the remarks made by Rep. Kjellman be printed in the Permanent Journal. Adopted.

### REMARKS

**Rep. Kjellman:** Thank you, Madam Speaker. On Monday, May 28<sup>th</sup>, following the Memorial Day parade in Henniker, on the gazebo at the community center and surrounded by a large crowd assembled for the occasion, Governor John Lynch signed into law House Bill 122, which named the Rte. 114 bridge in Henniker in memory of Army Sgt. Russell M. Durgin. Sgt. Durgin died June 13, 2006, a month before his 24<sup>th</sup> birthday, as his sniper team battled Taliban insurgents in the Korengal Valley of Northeastern Afghanistan. Russell and his twin brother Sean had joined the military with six other lacrosse team members who were graduating seniors at John Stark High School in 2001. Sean enlisted in the Air Force and Russell in the Army. Russell was on Army Reserve duty at Devens when the World Trade Center twin towers were hit in 2001. He switched to active duty infantry so he could be a part of the response to the attack on the United States. Russell was truly a hero. He earned a bronze star, with a V for valor, a silver star and a Purple Heart. In just a few years, he served in three theaters of war. First deployed to Korea along the DMZ, he had returned safely home only to be deployed just a few weeks later to Iraq. In Baghdad on July 19, 2004, Sgt. Durgin’s unit came under mortar attack and their tents burned to the ground. Two soldiers were killed and the survivors in the unit were left with just the clothes on their backs.

They had lost everything. Russell's twin brother, Airman Sean Durgin, about to fly home from his own deployment to Qatar, shipped his brother his uniforms, boots and sunglasses. Russell wore a bracelet bearing the name of one of the soldiers killed – later he was buried wearing that bracelet. Russell came home from Iraq, went to sniper school, and was assigned to the 10<sup>th</sup> Mountain Division at Ft. Drum, NY. He was a sniper team leader with HQ Company, First Battalion, 32nd Infantry Regiment, Task Force Spartan. He was deployed a third time – to Afghanistan. When he was killed, he was just two months away from returning to the States, to his family, and to his fiancée. Rarely do parents hear other's personal accounts of the kind of adults their children have become. Many accolades and military awards were given to Sgt. Durgin, but the following excerpt from the community newspaper of June 2006 for the 10th Mountain Division, describes Russell the soldier and Russell the man. "BAGRAM AIRFIELD, AFGHANISTAN – Soldiers, sailors, airmen, marines, coalition partners and Afghan allies lined the main road through Bagram Airfield and the flight line June 15 in solemn tribute to a fallen brother in arms. Allied leaders and service members snapped to attention as the casket bearing Sgt. Russell M. Durgin proceeded from the Joint Logistics Center to the C-130 airplane slated to fly him home. Durgin, a sniper team leader with Headquarters and Headquarters Company, 1st Battalion, 32nd Infantry Regiment, Task Force Spartan, died June 13 as his sniper team battled insurgents in the Korengal Valley of northeastern Afghanistan. The Henniker, N.H., native died a month before his 24th birthday. Durgin's entire Regional Command East chain of command assembled at Bagram to pay the fallen sniper final respects. Maj. Gen. Benjamin C. Freakley, Combined Joint Task Force-76 commander, and Command Sgt. Maj. Ralph C. Borja, attended alongside Col. John Nicholson, Task Force Spartan commander, and Command Sgt. Maj. James Redmore. Lt. Col. Chris Cavoli, 1-32 Infantry commander, and Command Sgt. Maj. Jimmy Carabello, Chosin Battalion command sergeant major, headed a delegation including most of Durgin's leaders, soldiers and closest friends. Staff Sgt. Richard F. Lightner, sniper section leader, served alongside Durgin since November 2003 and accompanied him during an Operation Iraqi Freedom rotation. He described Durgin as an irrepressible personality as well as an outstanding infantryman. "Under the worst circumstances, he'd have a smile on his face," he recalled. "That's the kind of guy he was." Lightner described Durgin as unflappable, praising his "Ability to make decisions under extreme circumstances" as well as his technical and tactical skills. "There's no question he contributed heavily to our success here," added Master Sgt. Kenneth Leslie, 3rd Brigade Special Troops Battalion operations noncommissioned officer. "He was like a son to me," added Leslie, who served with Durgin in B Company, 1-32 Infantry. "He was a first-class Soldier all around." Durgin's soldiers thought as highly of him as his leaders did. Spec. Cesar Cuellar, a sniper on Durgin's team, described his leader as an amiable, optimistic handyman with a lively sense of humor and a penchant for health, fitness and bodybuilding. The burly 6-foot, 1-inch sniper greeted Soldiers with banter, jokes and impressions of "Saturday Night Live" skits on many early mornings in the mountains of eastern Afghanistan. "He was a good leader," Cuellar recalled. "He wasn't about yelling or trying to humiliate you. He'd tell you what was wrong and how to fix something face to face. "When all the other NCOs were huddled together, he'd come and talk to the 'Joes'," he added. Cuellar said Durgin looked forward to marriage, construction work and a career in New Hampshire law enforcement after the Army. Durgin's amiability extended to Afghan National Army (ANA) allies as well as Americans. "He'd hang out with the ANA guys, even their commanders," Cuellar said. "Everyone in the camp knew who he was. One time, after we went out with the ANA and we got a couple Taliban, the company commander gave him an ANA patch." Soldiers saw Durgin's business side as well. "He wasn't afraid to take charge, even when there were senior guys around," Cuellar noted. "If he knew something a staff sergeant didn't, he wouldn't hesitate to take it into his own hands." Durgin's leadership touched some of his soldiers' lives profoundly. "Sgt. Durgin was an awesome leader," said Pfc. Ryan Woodring, another sniper. "He did everything to a 'T,' textbook. He took me under his wing and taught me everything. He was pretty much like a father to me," Woodring added. "I never had a father growing up, and he was the closest thing to a father I had." Durgin's sacrifice, skill, leadership and friendship left indelible marks on his section, company and battalion. "There are American Soldiers still alive in the Chosin Battalion because of his bravery and heroism on the battlefield in the Korengal Valley," Carabello said. "There should be a picture of Sgt. Durgin next to the NCO Creed," he added." The NCO creed, in part, reads:

*I am proud of the Corps of Noncommissioned Officers and will at all times conduct myself so as to bring credit upon the Corps, the Military Service and my country regardless of the situation in*

*which I find myself...My two basic responsibilities will always be uppermost in my mind — accomplishment of my mission and the welfare of my soldiers...All soldiers are entitled to outstanding leadership; I will provide that leadership... I know my soldiers and I will always place their needs above my own. Officers of my unit will have maximum time to accomplish their duties; they will not have to accomplish mine. I will earn their respect and confidence as well as that of my soldiers. I will be loyal to those with whom I serve; seniors, peers, and subordinates alike. I will exercise initiative by taking appropriate action in the absence of orders. I will not compromise my integrity, nor my moral courage.*

The mature person that Sgt. Russell Durgin had become since growing up in a small town in this small state was exemplary. One of Sgt. Durgin's superiors credits him with being a lifesaver, and the model of the NCO creed. Another loves him like a son, while yet a third young soldier loves him like a father. He was a hero to all of them and to all of us. What a tremendous loss his death is for the community of Henniker, the State of New Hampshire and for the United States. Please join me in a moment of silence in his memory.

### **MOMENT OF SILENCE**

A moment of silence was observed in honor and memory of fallen Soldier, Army Sgt. Russell M. Durgin.

### **RECESS MOTION**

Rep. Wallner moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports and receiving Senate messages.  
Adopted.

The House recessed at 4:05 p.m.

### **RECESS**

**(Rep. Wall in the Chair)**

### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 32, 61, 71, 126, 135, 144, 191, 213, 217, 227, 249, 251, 312, 338, 362, 418, 440, 459, 542, 547, 556, 636, 705, 859, 889 and 907 and Senate Bills numbered 28, 40, 50, 65, 80, 87, 99, 100, 104, 105, 108, 124, 132, 145, 193, 194, 195, 221, 234 and 261.

Rep. Hager, Sen. D'Allesandro for the Committee

### **RECESS**

**(Rep. Franklin in the Chair)**

### **SENATE MESSAGES**

### **CONCURRENCE**

**HB 38**, relative to terms of appointment for certain state officers.

**HB 44**, relative to the authority of authorized persons to take custody of nuisance dogs.

**HB 298**, relative to the healthy kids corporation.

**HB 318**, relative to large groundwater withdrawals.

**HB 323**, establishing a committee to study liquor commission revenues, enforcement, and training.

**HB 396**, establishing a commission to study autism spectrum disorders in New Hampshire.

**HB 406**, relative to access to state child support enforcement records.

**HB 444**, relative to parental rights in abuse and neglect cases.

**HB 447**, relative to net energy metering.

**HB 519**, requiring children 12 years of age or under to wear personal flotation devices.

**HB 536**, relative to the regulation of martial arts schools.

**HB 549**, relative to accepting a purchase and sale agreement on developed waterfront property.

**HB 583-FN**, relative to funding for HIV/AIDS services.

**HB 673**, allowing advanced registered nurse practitioners to certify walking disabilities.

**HB 688**, establishing the council on the relationship between public health and the environment.

**HB 689**, establishing a commission to study production and distribution of biodiesel fuel in New Hampshire.

**HB 709**, making various changes to department of revenue administration authority concerning property tax administration.

**HB 803**, relative to the sale of tax-deeded property.

**HB 862-FN**, establishing an incapacitated adult fatality review committee.

### NONCONCURRENCE

**HB 327**, allowing collaborative pharmacy practice agreements to include pharmacy locations during declared emergencies.

**HB 470**, relative to the determination of parental rights and responsibilities.

**HB 791-FN**, establishing a commission to study the legal and social effects of permitting same gender marriage.

**HB 802**, relative to passenger restraints.

**HCR 5**, a resolution endorsing the National Health Insurance Act.

### RE-REFERRED TO COMMITTEE

**HB 115**, relative to the procedure for counties to apply for, accept, and expend federal, state, or other grants.

**HB 281**, relative to the cancellation of buying club memberships.

**HB 304**, relative to the criteria under which guardianship over a minor is granted.

**HB 367**, relative to incompatible offices.

**HB 380**, relative to the forms of government under town charters.

**HB 456**, limiting liability for town health officers and overseers of public welfare when acting in the course of their official duties.

**HB 463**, relative to the awarding parental rights and responsibilities to a stepparent or grandparent.

**HB 692**, allowing certain municipalities in economically depressed counties to adopt a property tax exemption for industrial construction.

**HB 867-FN-L**, relative to parent liability for court-ordered services in juvenile proceedings.

### LAID ON THE TABLE

**HB 143**, relative to the apportionment of damages in civil actions.

**HB 457**, allowing local governing bodies to restrict lawn watering during declared droughts.

### RECESS

### (Speaker Norelli in the Chair)

Rep. Wallner moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 18

Wednesday, June 6, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the member from Holderness, Representative Sid Lovett.

Most gracious God, creator of life and sustainer of our lives together, we recall that we have come to do our duty. We are reminded that on June 6, 1944, hundreds of thousands of our citizens did their duty and so if we think we have a hard time, let's remember their sacrifice, their commitment and their success. Make us mindful of the needs of others. Help us to support those in our state who need an extra hand, that we may be instruments of Your peace and be about the legislative challenge. Amen.

Rep. Timothy Robertson, member from Keene, led the Pledge of Allegiance.

### SPECIAL PRESENTATION

The Boscawen Elementary School 5<sup>th</sup> graders recited the *Gettysburg Address*. Students participating were Kayley Beers-Trottier, Shawna Duval, Brady Mock, Corey Boisvert, Brittany Fisher, Autumn Hoyt, Jen McMahon, Courtney O'Keefe, Cheyanne Sprague, Jordan Stacey, Makayla Beauchemin, Lily Davis, Jerome Warren, Ben Reed, Brady Wentworth and Jennifer Paille-Drew. They were accompanied by the Boscawen Elementary School librarian, Karen Meredith.

### LEAVES OF ABSENCE

Reps. Dalrymple, Forest, Forsing, Grote, Stephen Johnson, Martineau, Pearson and Stohl, the day, illness.

Reps. Bleyler, Donald Flanders, Garcia, Hamm, Jeudy, Lessard, Manney, Matarazzo, Pelkey, Rausch, Serlin and Daniel Sullivan, the day, important business.

Rep. Ingersoll, the day, illness in the family.

Rep. Heald, the day, death in the family.

### INTRODUCTION OF GUESTS

Students and teachers of the Polaris Leadership Group from Claremont Middle School, guests of the Claremont delegation. Members of the 4<sup>th</sup> grade class from Raymond Elementary School, guests of the Raymond delegation.

### INTRODUCTION OF SPECIAL GUESTS

The Lebanon High School Track and Field Team, winners of the NHIAA 2007 Class I Track and Field State Championship. They were accompanied by their coach, Andrew Gamble.

### INTRODUCTION OF SPECIAL GUESTS

Six winners of the distinguished Youth of the Year award, the highest honor awarded to a member of the Boys and Girls Club. Annual competitions are held in all Boys and Girls Clubs across the country to name a Youth of the Year. These extraordinary young people have in many cases overcome personal obstacles and challenges while helping to make outstanding contributions to their clubs, communities and families. The award winners from their respective Boys and Girls Clubs are: Martina Devlin from Nashua; Joseph Aberle from Derry; Katherine Mignanelli from Salem; Patrick Blanchette from Concord; Stephanie Ramos from Souhegan Valley; Kory Morrissette from the Lakes Region; and Heidy Rodriguez from Manchester, who is the State Youth of the Year winner and will represent New Hampshire in the Regional Competition this Summer.

### INTRODUCTION OF SPECIAL GUESTS

Students who prepared the Penny Project display being presented at the front of the State House. They were accompanied by their advisor, Cindy Johnson.

## COMMUNICATION

June 4, 2007

Ms. Karen Wadsworth  
Clerk of the House of Representatives  
State House  
Concord, NH 03301

Dear Karen:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough County District No. 9, David Scannell, d, Manchester (838 Maple St.) 03104

Sincerely,  
William M. Gardner  
Secretary of State

## COMMITTEE REPORTS

## CONSENT CALENDAR

Rep. Wallner moved that the Consent Calendar as printed in the day's House Record be adopted. **SB 191-FN-A**, relative to the nongame species account in the fish and game fund, removed by Rep. Henson.

Consent Calendar adopted.

Rep. Coughlin declared a conflict of interest on **SB 60**, **SB 133**, **SB 178**, **SB 209**, **SB 222** and **SB 237** and did not participate in the vote on the Consent Calendar.

**SB 188**, relative to unfair claim settlement practices by insurers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. Martin for Commerce: This bill, as amended, significantly increases the authority of the insurance department to address and correct unfair trade practices in the insurance industry. Specifically, it increases the penalty the commissioner may impose from \$2500 to \$25,000. In addition, where the commissioner has found an unfair claim settlement practice, he can order restitution to the aggrieved insured. Alternatively, the aggrieved insured can waive restitution and file suit in court. The committee believes that these increased penalties and remedies will give the insurance department the authority it needs to protect consumers from unfair practices. Vote 19-0.

**Amendment (1768h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to orders and penalties for engaging in unfair insurance trade practices.

Amend the bill by replacing all after the enacting clause with the following:

1 Unfair Insurance Trade Practices; Orders and Penalties. RSA 417:10 is repealed and reenacted to read as follows:

417:10 Orders and Penalty.

I. If after hearing or at the expiration of the period set forth in a show cause order issued pursuant to this chapter, any person is found to have violated RSA 417:3, the commissioner may take one or more of the following actions:

(a) Suspend, revoke, or refuse to renew the license of that person.

(b) Impose an administrative penalty of not more than \$25,000 for each violation of RSA 417:3.

(c) With respect to a violation based upon RSA 417:4, XV, order relief for actual economic losses sustained by an aggrieved insured as a result of such violation. Relief may be ordered under this subparagraph only when the aggrieved insured has agreed that such relief shall constitute a waiver of any action for the same cause that might otherwise be filed before an administrative agency or any court.

II. The commissioner may institute suits or other legal proceedings as necessary for the enforcement of any order under this section.

2 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill increases the penalties for engaging in unfair insurance trade practices.

**SB 189**, relative to medical benefits under motor vehicle insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. Martin for Commerce: This bill, as amended, clarifies and codifies an Insurance Department Bulletin regarding the medical payment portion required in all auto insurance policies. The bill provides that the insured shall have the exclusive right to submit a claim for medical expenses under either medical payments coverage or a health insurance policy or both, as the insured elects. It also prohibits coordination of benefits against medical payments coverage and provides that the insured shall not receive duplicate payment from both medical payments coverage and a health insurance policy for the same medical expense. Vote 19-0.

**Amendment (1767h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Medical Payments. Amend RSA 264:16 to read as follows:

264:16 Medical Payments.

I. Any motor vehicle liability policy, as defined in RSA 259:61, covering a private passenger automobile and issued with respect to any motor vehicle registered or principally garaged in this state, shall provide *medical payments* coverage therein or supplemental thereto in an amount equal to or greater than \$1,000 per person for medical costs incurred as a result of injuries sustained in an accident involving the insured vehicle by the driver and passengers in said vehicle. Such coverage shall apply only to medical costs incurred during one year following the date the injuries are sustained.

*II. A health carrier, as defined in RSA 420-G:2, VIII, shall not coordinate benefits against medical payments coverage.*

*III. Medical payments coverage shall not be assignable to any health care provider.*

*IV. The insured shall have the exclusive right to submit a claim for medical expenses under either medical payments coverage or a health insurance policy or both, as the insured elects; provided, however an insured shall not be entitled to duplicate payment from medical payments coverage and a health insurance policy for the same medical expense.*

[H-] V. This section shall not apply to any commercial policy insuring more than 4 automobiles, nor to any commercial policy covering a garage, automobile sales agency, repair shop, service station, public parking place operation hazards, or trucking operation.

2 Effective Date. This act shall take effect upon its passage.

**SB 185**, relative to photo identification for persons released from correctional facilities and establishing a commission to study the services needed to help chronically homeless children in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill mandates the county corrections to issue a non-driver photo ID to an inmate prior to release. The ID would be issued by the Department of Safety at the DOS facility pursuant to RSA 260:21 which states in part: "RSA 260:21, III. The identification card shall bear the name, address, social security number, date of birth, blood type (optional), picture and signature of the applicant..." While it may seem strange, occasionally persons may be convicted of a minor crime under an alias. The county and the Department of Safety could be issuing an official ID valid for 5 years for an inmate under an alias. The current practice in most, if not all, county correctional facilities are to issue a check to an inmate for unused funds in the inmate's commissary account. The check would be issued in whatever name is on the account and if needed a Temporary ID for the purpose of cashing such a check. It seems reasonable that a person upon release from the County House of Corrections could obtain a photo ID the same as any other citizen of the state without special treatment required in this bill that may violate the unfunded mandate prohibition in Part First, Article 28-a of the New Hampshire constitution. Vote 14-2.

**SB 229**, relative to restitution ordered against an inmate. **OUGHT TO PASS.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: Restitution ordered by the Department of Corrections for reimbursement due to destruction of corrections property is currently deposited in the general fund. The Department then goes to the fiscal committee to request the money. This bill allows the Department of Corrections to retain these funds to cover the damage. Vote 16-0.

**SB 31**, adding the chief justice of the supreme court or designee to the advisory council on emergency preparedness and security. **INEXPEDIENT TO LEGISLATE.**

Rep. James F. Headd for Executive Departments and Administration: The committee did not believe that adding the chief justice of the Supreme Court to the advisory council on emergency

preparedness was the prudent way to advance the court's preparedness. The court has responsibilities that are clear. They should have a better way to ensure their preparedness rather than being a member of an advisory council. Vote 11-3.

**SB 125-FN**, relative to certificates for architect business organizations. **OUGHT TO PASS.**

Rep. Peter B. Schmidt for Executive Departments and Administration: This bill seeks to protect the public by ending the illegitimate and misleading practice by some unlicensed businesses of purporting to provide architectural services without the actual involvement of a trained and licensed architect. The bill was unopposed and is supported by the Joint Board of Licensure and Certification of the State of New Hampshire. Vote 15-0.

**SB 178-FN**, relative to the judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill makes a number of changes to the judicial retirement system that was established in 2003. This bill eliminates the special account, allows one member of the board to be retired, changes the quorum from 5 to 4 members, but requires a unanimous vote if only 4 trustees vote. It also allows the trustees to give a COLA to retirees using up to \$50,000 without having to go to the fiscal committee. COLAs totaling more than \$50,000 would have to be approved by the fiscal committee and could not be given if the system was less than 90% funded. It also adds reporting functions from the trustees to the appropriate policy committees. Vote 13-2.

#### **Amendment (1905h)**

Amend the bill by replacing all after the enacting clause with the following:

I Board of Trustees; Retired Members. Amend RSA 100-C:11, II to read as follows:

II. The board of trustees of the judicial retirement plan shall consist of 7 members. The governor and council shall appoint 2 trustees, one of whom the governor shall designate to serve as chairman of the board of trustees, and who shall be qualified persons with business experience and not members of the judicial retirement plan, and who shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except that the original appointment of one of the trustees shall be for a term of one year. The chief justice of the state supreme court, with the advice and consent of the chief justice of the superior court and the administrative justices of the district and probate courts, shall appoint 3 trustees, ~~[who]~~ **at least 2 of whom** shall be active members of the judicial retirement plan **and one of whom may be a retired member**, and who shall serve for a term of 3 years and until such trustee's successor is appointed and qualified, except that the original appointment of one of the trustees shall be for a term of one year, and the original appointment of another of the trustees shall be for a term of 2 years. One member of the state senate shall be appointed biennially by the senate president as a trustee of the board, and one member of the house of representatives shall be appointed biennially by the speaker of the house as a trustee of the board.

2 Judicial Retirement Plan; Method of Financing; Interest. Amend RSA 100-C:13, III(f) to read as follows:

(f) All interest and dividends earned on the funds of the judicial retirement plan shall be credited to the state annuity accumulation fund. The board shall allow interest at such rate or rates as it shall determine from time to time on the individual accounts of members in the member annuity savings fund and shall annually transfer such interest amount from the state annuity accumulation fund. Such interest shall be compounded ~~[monthly]~~ **annually** or more frequently as the board of trustees may determine and shall be allowed to the date of processing upon termination of active service for any reason including withdrawal, retirement, or death.

3 Funding of Supplemental Allowances. RSA 100-C:13, III(g) is repealed and reenacted to read as follows:

(g) The board of trustees shall be permitted to pay out to, or for the benefit of, retired members retired after January 1, 2005 or their beneficiaries, supplemental benefits as provided in RSA 100-C:17, not to exceed \$50,000 in the aggregate per calendar year. Said benefits shall be on a nonrecurring basis. Supplemental benefits greater than \$50,000 per calendar year in the aggregate shall only be paid if the judicial retirement annuity accumulation fund earns at a level greater than the actuarial assumed rate of return approved by the board and the trust is at least 90 percent funded for that calendar year.



4 Supplemental Benefits. RSA 100-C:17, is repealed and reenacted to read as follows:

100-C:17 Supplemental Allowances. Each calendar year, the fiscal committee of the general court may approve supplemental benefits in an amount exceeding \$50,000 in the aggregate upon recommendation of the board. The board shall have the authority to provide supplemental benefits annually in such percentages or amounts as the board deems advisable, including the ability to segment or tier amounts based upon years without such a benefit. Supplemental benefits shall not be permanent. The board shall provide information required by the fiscal committee, including, but not limited to, any change in the Consumer Price Index-Urban for the year prior to the year in which the nonrecurring benefit is to be granted. Supplemental benefits greater than \$50,000 per year in the aggregate shall only be paid if the judicial retirement annuity accumulation fund earns at a level greater than the actuarial assumed rate of return approved by the board and the trust is at least 90 percent funded for that calendar year.

5 Quorum. Amend RSA 100-C:11, V to read as follows:

V. Each trustee shall be entitled to one vote in the board of trustees. ~~[Five]~~ **Four** trustees shall constitute a quorum for the transaction of any business. ***In the event of only four trustees voting at any meeting, a unanimous vote*** shall be necessary for any resolution or action by the board at ~~[any]~~ **such** meeting.

6 New Paragraph; Reports. Amend RSA 100-C:11 by inserting after paragraph X the following new paragraph:

XI. Following each calendar year, the board shall report to the fiscal committee of the general court and the executive departments and administration committees of the senate and house of representatives on the supplemental allowances paid pursuant to RSA 100-C:17. The board shall also annually provide copies of its annual report to the executive departments and administration committees of the senate and house of representatives.

7 Repeal. RSA 100-C:1, XX, relative to the definition of terminal funding, is repealed.

8 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

- I. Allows for a retired member to be appointed to the judicial retirement system board of trustees.
- II. Changes the method of determining and funding supplemental allowances or COLAs.
- III. Permits a quorum of only 4 trustees at a meeting of the board, with unanimous votes.
- IV. Requires certain reports to be made to legislative committees.

**SB 209**, requiring the board of trustees of the judicial retirement plan to study the inclusion of service of all judges who are not members of the judicial retirement plan. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel J. Sullivan for Executive Departments and Administration: This bill would have required the inclusion of the judicial retirement plan of judges who are otherwise not covered or who are not eligible for such benefits. A proposed amendment would have allowed certain judges who are not eligible to retire to terminate membership in the judicial retirement plan and withdraw their accumulated contributions, while continuing to work under "senior active" status. The committee felt this bill is meant to cater to a select few and was reluctant to craft legislation for just a couple of people. Vote 15-0.

**SB 243-FN**, relative to regulating home contractors. **INEXPEDIENT TO LEGISLATE.**

Rep. Francis B. Sullivan for Executive Departments and Administration: This bill would create a dilemma as to enforcement and qualifications. The committee agrees that regulation of home contractors and protection of the consumer is of high priority but this bill is far too encompassing to be fair to everyone on both sides of the issue. There were a number of subcommittee meetings, revisions and discussions to attempt to arrive at an amendment that would be fair to all. After much work the committee found it impossible to reconcile all differences. Vote 12-2.

**SB 60-FN**, relative to compensations for injuries and illnesses suffered by national guard members on state active duty. **OUGHT TO PASS.**

Rep. Benjamin C. Baroody for Finance: The purpose of this bill is to permit a National Guard member on state active duty who sustains an injury to receive state workers compensation benefits. This bill also requires a National Guard member who becomes ill while on active duty to be reimbursed the cost of any necessary medical treatments. The Adjutant General stated it would take effect on a rare occasion. Vote 25-0.

**SB 68-FN-A**, making an appropriation to the department of environmental services to implement the New Hampshire estuaries project's comprehensive conservation and management plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter R. Leishman for Finance: This bill as originally proposed would have provided \$250,000 in FY2008 and \$250,000 in FY2009 to the Department of Environmental Services (DES) to partially restore cuts made by the U.S. Environmental Protection Agency (EPA) to the state's estuaries project's comprehensive conservation and management program (NHEP). The EPA cuts have reduced the available federal funds from \$735,000 to \$418,000 in FY2008. The committee agrees with the sponsors and the policy committee regarding the value of this very important program. However, state funding for this program is not presently available. The committee would strongly encourage the DES to include appropriate funding for this program in their next budget if federal funding has not been restored to a level necessary to protect this vital state resource. Vote 24-1.

#### **Amendment (1783h)**

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2008 and the sum of \$1 for the fiscal year ending June 30, 2009 are hereby appropriated to the department of environmental services, for the purposes of implementing the New Hampshire estuaries project's comprehensive conservation and management plan by undertaking activities, making grants, and entering into contracts to accomplish actions identified in the New Hampshire estuaries project's approved implementation plan. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

**SB 215-FN-A**, making an appropriation for AIDS services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bonnie G. Mitchell for Finance: This bill replaces federal funds (\$1 million) lost in Ryan White. The original bill makes an appropriation to the human immunodeficiency virus prevention program to DHHS to provide grants to certain AIDS service organizations. The original bill allocated a sum of \$500,000 ending June 2008. The amendment removes the dollar allocation to each AIDS service organization to one amount and leaves the appropriation to each program based on number of clients served. It also adds \$500,000 for FY2009. Vote 25-0.

#### **Amendment (1798h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to funding for the human immunodeficiency virus prevention program and certain AIDS services organizations.

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Health and Human Services; Human Immunodeficiency Virus Prevention Program. The department shall expend the sums of \$500,000 in the fiscal year ending June 30, 2008 and \$500,000 in the fiscal year ending June 30, 2009 for the human immunodeficiency virus prevention program in the department of health and human services for the purchase of antiretroviral drugs. The department shall fund the program from funds appropriated to the department in the state operating budget in fiscal years 2008 and 2009.

2 Department of Health and Human Services; Grants to AIDS Services Organizations. The department shall expend the sums of \$500,000 in the fiscal year ending June 30, 2008 and \$500,000 in the fiscal year ending June 30, 2009 for grants to the following AIDS services organizations: a Community Resource Network (ACORN) in Lebanon; AIDS Response-Seacoast in Portsmouth; AIDS Services for Monadnock in Keene; the Greater Manchester AIDS Project; and Southern New Hampshire HIV/AIDS Task Force in Nashua. The department shall fund said grants from funds appropriated to the department in the state operating budget in fiscal years 2008 and 2009.

3 Effective Date. This act shall take effect July 1, 2007.

#### **AMENDED ANALYSIS**

This bill provides funding for the human immunodeficiency virus prevention program within the department of health and human services and certain AIDS services organizations.

**SB 222-FN**, relative to health insurance for national guard members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Benjamin C. Baroody for Finance: This bill will cover the states share of Tri-Care health insurance for members of the National Guard and their families who are on state active duty for

more than 30 days. This would cover those members who do not have other health insurance and include the whole month in which the active duty ends. The Adjutant General could not state any occasion in 35 years when this would have been in effect. Tri-Care is a federally managed program in which the federal government pays 50% and the state would pay 50%. Vote 25-0.

#### **Amendment (1906h)**

Amend RSA 110-B:6-a as inserted by section 1 of the bill by replacing it with the following:  
110-B:6-a Active State Service; Required Health Coverage.

I. National Guard members ordered to or retained on state active duty for longer than 30 days who do not have other health care coverage shall elect TRICARE coverage. The state shall pay the TRICARE premiums, up to a maximum of 100 percent of the service member's share of the premium for the period of state active duty to include the whole month in which the state active duty ends.

II. The governor is hereby authorized to draw a warrant for sums sufficient to pay for premiums paid under this section out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated.

**SB 263**, establishing a committee to study Medicaid payments for hospital-based physicians and outpatient services and establishing a moratorium on certain reimbursement policy changes pending the study's recommendations. **INEXPEDIENT TO LEGISLATE.**

Rep. John DeJoie for Finance: This bill is relative to outpatient Medicaid billing, also known as Revenue Code 510. Since this bill is essentially the same as HB 43, which has been appropriately amended and passed by the Senate, this bill is no longer needed. Vote 25-0.

**SB 237**, establishing a council on employment issues affecting veterans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marlene M. DeChane for Labor, Industrial and Rehabilitative Services: The committee agreed with the prime sponsor's intent that veterans should have the ability to find and maintain jobs. With many of our young veterans returning from the Middle East, the New Hampshire Veterans Commission will work with these folks on issues that are specific to them. The committee along with the sponsor agree this is a pro-active response to the needs of our men and women returning home and who may have special needs due to the conditions they endured while serving our country. Vote 15-0.

#### **Amendment (1440h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission on employment issues affecting veterans.

Amend the bill by replacing all after the enacting clause with the following:

##### **1 Findings and Purpose.**

###### **I. The legislature finds that:**

(a) The unemployment compensation and employment service programs of the New Hampshire department of employment security have assisted the unemployed and underemployed worker for 70 years. During that time the workplace has changed. Nationally, as well as locally, many veterans, especially young veterans between the ages of 18 and 24, are having difficulty finding and maintaining employment.

(b) In a continuously changing workforce, many veterans are especially at risk due to the difficulties adjusting to the differences between military and civilian employment.

II. The purpose of this act is to establish a commission to study methods of enhancing the unemployment compensation program to meet the needs of New Hampshire's veterans. The commission shall also explore ways to promote full employment for underemployed veterans and seek solutions for other problems associated with veterans obtaining and maintaining employment.

2 Commission Established. There is established a commission to study employment issues affecting veterans.

##### **3 Membership and Compensation.**

###### **I. The members of the commission shall be as follows:**

(a) Two members of the senate, one of whom shall be a member of the commerce, labor and consumer protection committee, appointed by the president of the senate.

(b) Two members of the house of representatives, one of whom shall be a member of the state-federal relations and veterans affairs committee and one of whom shall be a member of the labor, industrial and rehabilitative services committee, appointed by the speaker of the house of representatives.

- (c) The commissioner of the department of employment security, or designee.
- (d) The labor commissioner, or designee.
- (e) The commissioner of the department of resources and economic development, or designee.
- (f) The commandant of the New Hampshire veterans home, or designee.
- (g) One member of the state veterans advisory committee, appointed by the chairman.
- (h) One representative of a labor union, appointed by the governor.
- (i) One person representing the disability insurance industry, appointed by the governor.
- (j) One person appointed by the New Hampshire state veterans council.
- (k) One person appointed by the United States Department of Labor's New Hampshire State Veterans Employment and Training Service.
- (l) One person appointed by the New Hampshire Employer Support for the Guard and Reserve.
- (m) One person appointed by the New Hampshire Veterans of Foreign Wars.
- (n) One person appointed by the New Hampshire American Legion.
- (o) One person appointed by the Disabled American Veterans.
- (p) One representative of New Hampshire Legal Assistance, appointed by the executive director.
- (q) The chairperson of the Workforce Opportunity Council, or designee.
- (r) A representative of the business community, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

4 Duties. The commission shall study methods of enhancing the unemployment compensation program to meet the needs of New Hampshire veterans. The commission shall also explore ways to promote full employment for underemployed veterans and seek solutions for other problems associated with veterans obtaining and maintaining employment. For purposes of the commission's study, "veteran" means current members and former members of the armed forces, national guard, and reserve units.

5 Chairperson. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

6 Report. The commission shall report its findings and any recommendations for proposed legislation and other proposals to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, the members of the executive council, the commissioner of the department of employment security, and the state library. The first report shall be submitted on or before November 1, 2007, an interim report shall be submitted on or before November 1, 2008, and a final report shall be submitted on or before November 1, 2009.

7 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a commission on employment issues affecting veterans.

**SB 206-FN-L**, relative to the investment authority of local government entities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bennett F. Moore for Municipal and County Government: As amended the bill permits a city to purchase the stock of a company instead of only purchasing a company's physical assets. The City Of Nashua and the Pennichuck Corporation are in negotiations for Nashua's acquisition of the company's stock. The Municipal and County Government added the requirement that the Public Utilities Commission (PUC) make a public interest determination prior to any purchase. The granting of this authority is only one aspect of negotiations between the two parties and when passed will enable the parties to continue on the same track that is currently being taken. Vote 15-0.

#### Amendment (1938h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the investment authority of local government entities and authorizing the city of Nashua to purchase Pennichuck Corporation stock.

Amend the bill by replacing all after the enacting clause with the following:

1 County Treasurers. Amend RSA 29:3 to read as follows:

29:3 Excess Funds. Whenever the county treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure the county treasurer may, with the approval of the county commissioners and county executive committee ***and upon such terms as shall be approved by the county commissioners***, invest the same [~~in short-term obligations of the United States or~~] in participation units in the public deposit investment pool established pursuant to RSA 383:22[~~; upon such terms as shall be approved by the county commissioners~~] ***or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.*** Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the county. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral. At least yearly, the county treasurer, with the approval of the county commissioners, shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

2 Investment by Single Trustee. Amend RSA 31:26 to read as follows:

31:26 Investments by Single Trustee. In towns which have chosen a single trustee of trust funds such funds shall be invested only by deposit in any federally or state-chartered bank or association authorized to engage in a banking business in this state, [~~or in bonds, notes or other obligations of the United States government;~~] or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state and when so invested the trustee shall not be liable for the loss thereof; and in any common trust fund established by the New Hampshire Charitable Foundation in accordance with RSA 292:23; ***or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.*** Deposits in a federally or state-chartered bank or association shall be made in the name of the town which holds the same as a trust, and it shall appear upon the books thereof as a trust fund. Any person who directly or indirectly receives any such trust funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town depositing or investing such funds. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral. The trustee may retain investments as received from donors until the maturity thereof.

3 Refunding Bonds. Amend RSA 33:3-d, II to read as follows:

33:3-d Refunding Bonds.

II. Refunding bonds shall be payable in installments, the first of which shall be not later than the earliest stated principal maturity date of the bonds being refunded and the last of which shall be not later than the last date on which the bonds being refunded could have been made payable under that law applicable to the bonds being refunded. The installment payments of refunding bonds shall be arranged in accordance with RSA 33:2 except that any installment that is payable earlier than the date on which the first installment is required to be made payable may be in any amount. The proceeds of refunding bonds, exclusive of any premium and accrued interest and any proceeds used to pay issuing or marketing costs, shall, upon their receipt, be paid immediately to the paying agent for the bonds which are to be called and prepaid; and such paying agent shall hold such proceeds in trust until the bonds are redeemed. While such proceeds are held in trust, they may be invested for the benefit of the municipality or county [~~in obligations issued or guaranteed by the United States of America or by any agency or instrumentality thereof, or~~] as may be provided in any other applicable law of the state of New Hampshire relating to the investment or deposit of municipal or county funds; and the income derived from investment may be expended to pay the

principal of and redemption premium, if any, on the refunded bonds and interest thereon until they are redeemed. Refunding bonds issued in accordance with this section shall be subject to the same statutory limit of indebtedness, if any, as the bonds refunded; provided, however, that upon the issuance of the refunding bonds, the bonds refunded shall no longer be counted in determining any limit of indebtedness of the municipality or county.

4 Treasurer's Duties. Amend RSA 197:23-a to read as follows:

197:23-a Treasurer's Duties. The treasurer shall have custody of all moneys belonging to the district and shall pay out the same only upon orders of the school board or upon orders of the 2 or more members of the school board empowered by the school board as a whole to authorize payments. The treasurer shall deposit the moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus. The treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the district treasury, and of all notes given by the district, with the particulars thereof. At the close of each fiscal year, the treasurer shall make a report to the district, giving a particular account of all of the treasurer's financial transactions during the year. The treasurer shall furnish to the school board statements from the books, and submit the books and vouchers to them and to the auditors for examination, whenever so requested. Whenever the treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the treasurer shall, with the approval of the school board, invest the same ~~[in obligations of the United States government;]~~ in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits and repurchase agreements of banks incorporated under the laws of the state of New Hampshire or in banks recognized by the state treasurer ***and obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.*** Any person who directly or indirectly receives any such funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the district. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral. At least yearly, the school board shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

5 New Section; Purchase of Pennichuck Corporation Stock by the City of Nashua.

I. Notwithstanding the provisions of any law to the contrary, the city of Nashua is authorized to purchase the stock of Pennichuck Corporation or one or more of its subsidiaries upon agreement with such corporations. The public utilities commission shall make a public interest determination prior to any such purchase. For the purpose of obtaining control of the plant and property of Pennichuck Corporation or its subsidiaries, the city may acquire and hold such stock, or establish one or more business corporations under RSA 293-A. Except as otherwise provided in this section, the provisions of RSA 38 shall apply to the acquisition of stock by the city.

II. The acquisition of such stock shall be deemed to be within the policy and purposes of RSA 38 if, prior to the acquisition of stock as provided in this section, the board of aldermen of the city find that:

(a) The acquisition of stock, rather than the direct acquisition of plant and property, will provide a more orderly method for the city to establish, own, and operate a municipal water utility consistent with the purposes of RSA 38.

(b) The acquisition of stock, rather than the direct acquisition of plant and property, will be financially beneficial to the city and its customers and will, therefore, be in the best interests of the city and provide a public benefit.

III. The acquisition by the city of the stock of Pennichuck Corporation or its subsidiaries as provided by this act is a purpose for which the city may issue bonds and notes pursuant to RSA 33-B. 6 Effective Date.

I. Sections 1-4 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

I. Modifies the investment authority of local government entities.

II. Authorizes the city of Nashua to purchase the stock of Pennichuck Corporation.

**SB 111**, permitting a dam to be constructed on Lake Ivanhoe in the town of Wakefield. **OUGHT TO PASS.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill will allow drainage of high water at Lake Ivanhoe to prevent flooding. The construction design would be of a storm drain culvert to pipe flood water to Great East Lake. This bill is for permitting only and the project would be privately funded. Vote 15-0.

**SB 157**, establishing a committee to study the criteria necessary for the creation of a master plan for the development of future all-terrain vehicle parks. **INEXPEDIENT TO LEGISLATE.**

Rep. David H. Russell for Resources, Recreation and Development: It was the unanimous feeling of the committee that this legislation is unnecessary. The likelihood of the bureau of trails pursuing another ATV park in the foreseeable future is very slim. The last thing we need at this time is another study committee for something that may never happen. Vote 15-0.

**SB 97**, relative to unemployment administrative contributions and the training fund, and transferring the job training program administered by the department of regional community-technical colleges to the department of resources and economic development. **OUGHT TO PASS.**

Rep. Michael G. Marsh for Ways and Means: This bill changes the portion of the unemployment insurance tax that is applied to administrative fund from .1% to .2%, and uses these funds to pay no more than half of the cost of approved employee job training programs and to pay for unemployment services that were previously funded by the federal government for which the state is now responsible. The bill was supported by the BIA, the technical colleges, and DRED, who called it the single most important legislation for economic development this session. The committee heard testimony that the state's unemployment insurance trust fund is very solid, and the unemployment tax is the second lowest in the country. The funds used to support training will come from taxes imposed on businesses, and the benefit will go primarily to employees who will have enhanced skills as a result of the training. In a previous iteration, the fund assisted over 150 companies and 5000 workers at a cost to the state of less than \$2,000,000. The training program has been especially valuable as a tool for smaller companies. More than one third of the companies taking advantage of the program have fewer than 50 employees, while companies with more than 500 employees received only 7% of the grants. The committee determined on a unanimous basis that the program will be an important addition to our economic development activities. Vote 16-0.

**SB 133-FN**, relative to the escrow fund for court facility improvements. **OUGHT TO PASS.**

Rep. Christine C. Hamm for Ways and Means: Currently the court system deposits part of the entry fee charged to court users into an escrow fund for facility improvements/repairs that fall short of capital expenditures yet exceed ordinary maintenance, e.g. asbestos abatement, improved signage and carpet replacement. This bill repeals a \$20 surcharge currently assessed by the legislature and changes the amount of the escrow deposit from \$3 to 7 percent. Working in conjunction with the legislature, the judicial branch will increase certain filing fees, with a net overall effect of \$201,081 (\$188,180 for court facility improvements and \$12,901 for the general fund). Vote 17-0.

### REGULAR CALENDAR

**SB 197**, relative to continuation of group health insurance in the event of divorce or legal separation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for the Majority of Commerce: Approximately 15% of people who lose their health insurance coverage do so due to divorce. This bill acknowledges that an arbitrary court date does



not mean that people are not still part of each others' family. Especially when there are children involved, divorced spouses are often still intertwined financially, by childcare responsibilities and emotionally. It allows that a divorced spouse may remain on the family health insurance plan for up to three years following the actual date of the divorce decree or until one spouse remarries. The benefits of this are numerous: it allows a primary childcare giver to make childcare arrangements and find employment; it allows an underemployed person the opportunity to seek job training skills; or it simply delays one more major life change until both parties are more stable. This is enabling legislation in that it does not require a spouse to continue coverage unless the divorce decree requires it. However for those with such a requirement, it saves the family the cost of an additional insurance plan when there was already one in place. Right now a family plan costs the same for one parent with kids or two parents with kids; however after a divorce the second parent is forced to find coverage elsewhere, even though the rest of the family is still covered under the original plan and the cost of that plan has not gone down. SB 197 will help keep health insurance more affordable after the disruption of a divorce, lower the number of people who lose their health insurance coverage after a divorce and acts as a bridge for people at a difficult time in their lives. Vote 13-6.

Rep. John B. Hunt for the Minority of Commerce: Although the concept that just because a family gets divorced they don't stop being a family when it comes to health insurance coverage may seem reasonable, it does come with a cost. Even before a divorce many New Hampshire couples choose between their two employers for their family's health insurance. That decision takes in the quantity of benefits and the amount of cost sharing with the employer. After a divorce it is very tempting to require the employer to continue those richer benefits by court order. If only one spouse has an employer who offers health insurance, they may have fewer options but creating a new mandate on small employers will only drive employers to force families to pay a higher percentage of the premium. Unfortunately, this bill only affects small employers. The minority of the committee certainly appreciates that divorce can be very painful economically, but SB 197 will certainly come at a cost for all small employers. If the divorced spouse moves away, then a health insurance company will have to pay higher out of state providers and therefore will require higher premiums for everyone. The reality is that by the time a couple finally gets the court-approved divorce, one of the spouses is remarried soon after which would eliminate the other spouse from taking advantage of this legislation. But most importantly it delays the potential of the divorcee who does not have insurance from going into the individual market where New Hampshire needs more purchasers, which will help to lower premiums in the struggling individual market.

### Majority Amendment (1911h)

Amend the bill by replacing all after the enacting clause with the following:

1 Group or Blanket Policy Provisions. Amend RSA 415:18, VII(e) to read as follows:

(e) The conversion provision shall also be available, upon the death of the employee or member, to the surviving spouse with respect to those family members who are then covered by the group policy, and shall be available to a child solely with respect to himself upon his attaining the limiting age of coverage under the group policy while covered as a dependent thereunder. The conversion provision shall also be available to a former dependent spouse upon remarriage of the group plan member, *after exhaustion of continuation coverage pursuant to RSA 415:18, VII(g)(1), if applicable, and upon termination of the former spouse's eligibility for group coverage under RSA 415:18, VII-b or RSA 415:18, VII(g)(1)*. A former dependent spouse shall exercise the conversion within 31 days of the remarriage of the group plan member.

2 Group or Blanket Policy Provisions. Amend RSA 415:18, VII(g)(1)(G) to read as follows:

(G) The individual, surviving spouse, divorced spouse, legally separated spouse, or dependent shall elect to continue the participation in the group plan according to rules adopted by the commissioner under RSA 541-A. The individual, surviving spouse, or dependent shall be responsible for payment of premiums which may include an administrative fee not to exceed 2 percent of the monthly premium to the employer or policyholder throughout the extension period. Any divorced spouse or legally separated spouse who is responsible for making a portion of or full payment to the employer shall notify the employer and the insurance company, in writing, within 30 days of the decree of divorce or separation *or such later date as is permitted under RSA 415:18, VII-b*, that coverage under this subparagraph is requested. Any employee who is responsible for making a portion of or full payment to the employer shall likewise notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation *or such later date as is permitted*



**under RSA 415:18-b**, that coverage under this subparagraph is requested. The employer shall have the right to terminate coverage for a former dependent spouse who is receiving coverage under this subparagraph if any payment for the coverage is not received from the former dependent spouse within 30 days of the date the premium payments are due. If any payment for the coverage for which the employee is responsible is not received from the employee within 30 days of the date the premium payments are due, the employer shall have the right to terminate coverage for a former dependent spouse; however, no such termination shall occur without 30 days' prior *written* notice to the former dependent spouse, during which time the former dependent spouse shall be given an opportunity to make the payments due or to secure payment from the employee. Upon termination of the extension period, the member, surviving spouse, divorced spouse, legally separated spouse, or dependent shall be entitled to exercise any option which is provided in the group plan to elect a converted policy. After timely receipt of the premium payment from the individual, surviving spouse, divorced spouse, legally separated spouse, or dependent, if the employer fails to make payments to the insurer or health service corporation or health maintenance organization, with the result that coverage is terminated, the employer shall be liable for benefits to the same extent as the insurer or health service corporation or health maintenance organization would have been liable if coverage had not been terminated.

3 New Paragraph; Group or Blanket Policy Provisions. Amend RSA 415:18 by inserting after paragraph VII-a the following new paragraph:

VII-b. Any group or blanket accident and health insurance policy covering a resident of New Hampshire shall contain the following provisions:

(a) Upon a final decree of divorce or legal separation, if one spouse is a member of a group or blanket accident and health insurance policy, the former spouse who is a family member or eligible dependent under said policy prior to the date of the decree shall be and remain eligible for benefits under said policy, without additional premium or examination, as if said decree had not been issued. Such eligibility shall not be required if the decree expressly provides otherwise.

(b) The former spouse shall be eligible for coverage pursuant to this section through the member's participation in a group or blanket accident and health insurance policy while such policy remains in force or is replaced by another group or blanket policy covering the member, until the earliest of the following events occurs:

- (1) The 3-year anniversary of the final decree of divorce or legal separation;
- (2) The remarriage of the former spouse;
- (3) The remarriage of the member;
- (4) The death of the member; or
- (5) Such earlier time as provided by the final decree of divorce or legal separation.

(c) Upon the occurrence of the earliest of the events set forth in subparagraph (b), other than remarriage of the former spouse, the former spouse shall have the right to continuation coverage under RSA 415:18, VII(g)(1)(C) and (D). An insurance carrier may charge a premium for the former spouse's continuation coverage under this subparagraph, in accordance with RSA 415:18, VII(g)(1)(G). The former spouse shall request enrollment under RSA 415:18, VII(g)(1)(G), in writing, within 30 days after the first occurring of the events set forth in subparagraph (b), provided that the former spouse may not request enrollment upon remarriage of the former spouse. If the first occurring event is the member's remarriage or death, the former spouse may request enrollment under RSA 415:18, VII(g)(1)(G), in writing, within 30 days after receiving notice of said event.

(d) In the event of the former spouse's remarriage, the former spouse shall notify the insurance carrier, in writing, within 30 days after the date of remarriage, and the effective date of termination of the former spouse's eligibility pursuant to this section shall be the date of remarriage.

(e) The member or former spouse shall submit to the insurance carrier evidence of the former spouse's eligibility under this section within 30 days after the final decree of divorce or legal separation. If the group or blanket accident and health insurance policy existing as of the date of the decree is replaced by another group or blanket policy covering the member that is issued by a different insurance carrier, said carrier may request that the member or former spouse submit evidence of the former spouse's eligibility under this section within 30 days of the effective date of the member's coverage under the replacement policy. A former spouse's coverage under the member's group or blanket accident and health insurance policy pursuant to this section shall be effective as of the date of the final decree of divorce or legal separation in the case of a then existing policy, or, in the case of a replacement policy, the effective date of the member's coverage under such policy.

(f) The former spouse shall notify the insurance carrier, in writing, of any address other than the member's address to which notices and correspondence pertaining to the former spouse's coverage should be mailed, including but not limited to notice of cancellation and any right to reinstate coverage, and the carrier shall use such address until it receives written notice from the former spouse of a change.

(g) Upon termination of the eligibility of a former spouse for coverage pursuant to this section, and the exhaustion of continuation coverage under RSA 415:18, VII(g)(1), if applicable, said former spouse shall be entitled to exercise any option which is provided in the group plan to elect a converted policy, as provided by RSA 415:18, VII(e), or to apply for individual coverage. If the group plan does not contain a conversion option, the former spouse shall have the right to apply for individual coverage and be referred to the high risk pool under RSA 420:G-5, V.

4 Group Health Insurance Plans. Amend RSA 458:18-a to read as follows:

458:18-a Group Insurance Plans. Upon a decree of nullity [or], divorce, *or legal separation*, if one spouse is a member of a group health insurance plan and the employer or any other sponsor is responsible for the payment of the premium required by the insurer as the consideration for providing coverage to an ex-spouse, such premium shall be paid either by the health insurance plan member, the ex-spouse of the member, or by both the member and the ex-spouse as they shall agree or as shall be ordered in the decree of divorce by the court. The provisions of this section shall apply to dental coverage provided by such group health insurance plan and shall apply whether or not the ex-spouse is receiving child support payments. ***This section shall apply only to continued coverage under RSA 415:18, VII(g)(1) or 29 U.S.C. section 1161, and shall not affect or limit any rights of the former spouse under RSA 415:18, VII-b.***

5 Contingent HB 921-FN; Definition; Continuation of Coverage; Termination of Coverage. Amend RSA 415:18, XV(c) to read as follows:

(c) "Individual" means any person covered under a group health plan, including but not limited to, the covered employee, the spouse of the covered employee, whether surviving, dependent, former dependent, *divorced* or legally separated; or the dependent child of the employee, and any other person including a child born or placed for adoption with the covered employee, who is covered under a group health plan through the employment relationship.

6 Contingent HB 921-FN; Continuation of Coverage. Amend RSA 415:18, XVI(c)(4)(B) to read as follows:

(B) The divorce or the legal separation of the covered employee *or, if the employee's former spouse has been covered pursuant to RSA 415:18, VII-b, the first occurring of any of the following events:*

- (i) *The remarriage of the covered employee;*
- (ii) *The death of the covered employee;*
- (iii) *The 3-year anniversary of the final decree of divorce or legal separation; or*
- (iv) *Such earlier time as provided by said decree;*

7 Contingent HB 921-FN; Continuation of Coverage. Amend RSA 415:18, XVI(g)(2) to read as follows:

(2) Where the employee's spouse is also covered by the group plan, and there is a divorce or legal separation, the employee shall notify the employer of the divorce or separation within 30 days, and shall provide the employer and carrier with the employee's spouse's mailing address. In case of a divorce or legal separation, the carrier shall provide a separate notice of the right to continue to the divorced or separated spouse. The divorced or separated spouse may elect to continue coverage *pursuant to this section* by notifying the carrier within 45 days of the date of the notice and remitting the premium payment. ***The notice and election provisions of this paragraph shall also apply if the divorced or legally separated spouse of the employee has been covered pursuant to RSA 415:18, VII-b, upon the occurrence of any of the following events:***

- (A) *The remarriage of the employee;*
- (B) *The death of the employee;*
- (C) *The 3-year anniversary of the final decree of divorce or legal separation; or*
- (D) *Such earlier time as provided by the final decree of divorce or legal separation.*

8 Contingent HB 921-FN; Continuation of Coverage. Amend RSA 415:18, XVI(g)(4) to read as follows:

(4) Where an individual declines the right to continue coverage *pursuant to this section*, waiver shall be made by an affirmative means of declination, including but not limited to written declination of continuation coverage or electronic contact to the employer or plan administrator. An individual shall have the right to revoke the notice of declaration anytime within the specified election period.

9 Contingent HB 921-FN; Continuation of Coverage. Amend the introductory paragraph of RSA 415:18, XVI(h) to read as follows:

(h) End of Continuation Coverage. Nothing in this paragraph shall require a carrier to continue coverage *pursuant to this section* beyond:

10 Contingent HB 921-FN; Group or Blanket Policy Provisions. RSA 415:18, VII-b is repealed and reenacted to read as follows:

VII-b. Any group or blanket accident and health insurance policy covering a resident of New Hampshire shall contain the following provisions:

(a) Upon a final decree of divorce or legal separation, if one spouse is a member of a group or blanket accident and health insurance policy, the former spouse who is a family member or eligible dependent under said policy prior to the date of the decree shall be and remain eligible for group benefits as a family member or eligible dependent under said policy, without additional premium or examination, as if said decree had not been issued. Such eligibility shall not be required if the decree expressly provides otherwise.

(b) The former spouse shall be eligible for coverage pursuant to this section through the member's participation in a group or blanket accident and health insurance policy, while such policy remains in force or is replaced by another group or blanket policy covering the member, until the earliest of the following events occurs:

- (1) The 3-year anniversary of the final decree of divorce or legal separation;
- (2) The remarriage of the former spouse;
- (3) The remarriage of the member;
- (4) The death of the member; or
- (5) Such earlier time as provided by the final decree of divorce or legal separation.

(c) Upon the occurrence of the earliest of the events set forth in subparagraph (b), other than remarriage of the former spouse, the former spouse shall have the right to continuation coverage under RSA 415:18, XVI. An insurance carrier may charge a premium for the former spouse's continuation coverage under this subparagraph, in accordance with RSA 415:18, XVI. The former spouse shall request enrollment under RSA 415:18, XVI, in writing, within 30 days after the first occurring of the events set forth in subparagraph (b), provided that the former spouse may not request enrollment upon remarriage of the former spouse. If the first occurring event is the member's remarriage or death, the former spouse may request enrollment under RSA 415:18, XVI, in writing, within 30 days after receiving notice of said event.

(d) In the event of the former spouse's remarriage, the former spouse shall notify the insurance carrier, in writing, within 30 days after the date of remarriage, and the effective date of termination of the former spouse's eligibility pursuant to this section shall be the date of remarriage.

(e) The member or former spouse shall submit to the insurance carrier evidence of the former spouse's eligibility under this section within 30 days after the final decree of divorce or legal separation. If the group or blanket accident and health insurance policy existing as of the date of the decree is replaced by another group or blanket policy covering the member that is issued by a different insurance carrier, said carrier may request that the member or former spouse submit evidence of the former spouse's eligibility under this section within 30 days of the effective date of the member's coverage under the replacement policy. A former spouse's coverage under the member's group or blanket accident and health insurance policy pursuant to this section shall be effective as of the date of the final decree of divorce or legal separation in the case of a then existing policy, or, in the case of a replacement policy, the effective date of the member's coverage under such policy.

(f) The former spouse shall notify the insurance carrier, in writing, of any address other than the member's address to which notices and correspondence pertaining to the former spouse's coverage should be mailed, including but not limited to notice of cancellation and any right to reinstate coverage, and the carrier shall use such address until it receives written notice from the former spouse of a change.

(g) Upon termination of the eligibility of a former spouse for group coverage pursuant to this section, said former spouse may apply for individual coverage or the high risk pool, whichever is applicable.

(h) Eligibility of a former spouse for group coverage pursuant to this section exists independent of any right to continuation of coverage under RSA 415:18, XVI. To the extent that there is a conflict between this paragraph and RSA 415:18, XVI with respect to eligibility for group coverage upon a final decree of nullity, divorce or legal separation, the provisions that confer greater rights on the former spouse shall apply unless the decree expressly provides otherwise.

11 Contingent HB 921-FN; Group Health Insurance Plans. Amend RSA 458:18-a to read as follows:

458:18-a Group Insurance Plans. Upon a decree of nullity, divorce, or legal separation, if one spouse is a member of a group health insurance plan and the employer or any other sponsor is responsible for the payment of the premium required by the insurer as the consideration for providing coverage to an ex-spouse, such premium shall be paid either by the health insurance plan member, the ex-spouse of the member, or by both the member and the ex-spouse as they shall agree or as shall be ordered in the decree of divorce by the court. The provisions of this section shall apply to dental coverage provided by such group health insurance plan and shall apply whether or not the ex-spouse is receiving child support payments. This section shall apply only to continued coverage under RSA 415:18, ~~[VII(e)(1)]~~ XVI or 29 U.S.C. section 1161, and shall not affect or limit any rights of the former spouse under RSA 415:18, VII-b.

12 Contingency. If HB 921-FN of the 2007 legislative session becomes law, section 1 of this act shall not take effect, sections 2-4 of this act shall take effect January 1, 2008, and sections 5-11 of this act shall take effect January 1, 2008 at 12:01 a.m. If HB 921-FN of the 2007 legislative session does not become law, sections 1-4 of this act shall take effect January 1, 2008, and sections 5-11 of this act shall not take effect.

13 Effective Date.

I. Sections 1-11 of this act shall take effect as provided in section 12 of this act.

II. The remainder of this act shall take effect upon its passage.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Hunt spoke against.

Rep. DeStefano spoke in favor.

Rep. Wallner requested a roll call; sufficiently seconded.

## YEAS 227 NAYS 121

### YEAS 227

#### BELKNAP

Arsenault, Beth	Millham, Alida	Morrison, Gail	Reever, Judith
Wood, Jane			

#### CARROLL

Bridgham, Robert	Butler, Edward	Cunningham, Howard	Heard, Virginia
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#### CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Lerandeau, Alfred	Loll, Thomas	Mitchell, Bonnie
Parkhurst, Henry	Piifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sad, Tara	Weber, Lucy	Weed, Charles

#### COOS

Hatch, William	Mears, Edgar	Merrick, Evalyn	Merrick, Scott
Remick, William	Theberge, Robert	Thomas, Yvonne	

#### GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Estes, Carole	Friedrich, Carol	Hammond, Lee
Harding, A Laurie	Laliberte, Suzanne	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip	Solomon, Peter		

#### HILLSBOROUGH

Baroody, Benjamin	Barry, Richard	Beaulieu, Jane	Beck, Catriona
Bergin, Peter	Brunelle, Michael	Campbell, David	Chase, Claudia

Clemons, Jane  
Dokmo, Cynthia  
Fontas, Jeffrey  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Johnson, Stephen  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
O'Brien, Michael Sr  
Rosenwald, Cindy  
Shaw, Barbara  
Smith, Sandra  
Velez, Hector

Cote, David  
Edwards, Andrew  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Holden, Randolph  
Kaelin, Michael  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
O'Neil, James  
Scannell, David  
Shaw, Kimberly  
Spratt, Stephen  
Winters, Joel

Cote, Peter  
Essex, David  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Movsesian, Lori  
Pilotte, Maurice  
Schulze, Joan  
Simon, Anthony  
Sullivan, Francis

Daler, Jennifer  
Farley, Michael  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Nagle, Maureen  
Reuschel, Michael  
Shattuck, Gilman  
Smith, David  
Sysyn, Mary

### MERRIMACK

Baxley, Maureen  
Brown, Carole  
DeStefano, Stephen  
Gile, Mary  
Kidder, David  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Beauchesne, Suzanne  
Brueggemann, Donald  
Ehlers, Eileen  
Greco, Vincent  
Lockwood, Priscilla  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Blanchard, Elizabeth  
Clarke, Claire  
Foose, Robert  
Hager, Elizabeth  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Bouchard, Candace  
DeJoie, John  
French, Barbara  
Kelly, Sally  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
DiFruscia, Anthony  
Henson, John  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Preston, Mark  
Splaine, James

Brown, C. Pennington  
Elliott, Robert  
Howard, Doreen  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Robertson, Carl  
Wells, Roger

Casey, Kimberley  
Flockhart, Eileen  
Ingram, Russell  
Lister, Charlotte  
McKenna, Daniel  
Pantelakos, Laura  
Russell, Trinkia  
Winchell, George

Day, Judith  
Guthrie, Joseph  
Kelley, Jane  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Snow, Richard

### STRAFFORD

Berube, Roger  
Brown, Larry  
DeChane, Marlene  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Smec, Robert

Billian, Deborah  
Browne, Brendon  
Domingo, Baldwin  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

Brennan, William  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Wall, Janet

Brown, Jennifer  
Cyr, James  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Nielsen, Ellen

Converse, Larry  
Gagnon, Raymond  
Phinizy, James

Donovan, Thomas  
Gottling, Suzanne  
Skinder, Carla

Ferland, Brenda  
Jillette, Arthur Jr

### NAYS 121

### BELKNAP

Allen, Janet  
Pilliod, James  
Tobin, William

Boyce, Laurie  
Russell, David  
Wendelboe, Fran

Clark, Charles  
Thomas, John  
Whalley, Michael

Nedeau, Stephen  
Tilton, Franklin

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Denley, William	Knox, J. David	Martin, James	Merrrow, Harry
Patten, Betsey	Stevens, Stanley		

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane
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**COOS**

King, Frederick	Tholl, John Jr
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**GRAFTON**

Bulis, Lyle	Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond
Sorg, Gregory	Williams, Burton		

**HILLSBOROUGH**

Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris	Christiansen, Lars
Coughlin, Pamela	Daniels, Gary	Day, Russell	Drisko, Richard
Elliott, Nancy	Fletcher, Richard	Graham, John	Haefner, Robert
Hawkins, Ken	Hinkle, Peyton	Hogan, Edith	Infantine, William
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	McRae, Karen
Mooney, Maureen	O'Connell, Timothy	Ober, Lynne	Ober, Russell III
Peterson, Andy	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rochette, Eric	Rowe, Robert	Soucy, Connie	Spaulding, Jayne
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric	Hess, David	Humphries, Charlie	MacKay, James
Reed, Dennis			

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Borden, David	Buxton, Donald
Camm, Kevin	Carson, Sharon	Case, Frank	Charron, Gene
Devine, James	Dumaine, Dudley	Emiro, Frank	Fesh, Bob
Flanders, John Sr	Garrity, James	Gould, Kenneth	Griffin, Mary
Headd, James	Hopfgarten, Paul	Introne, Robert	Itse, Daniel
Johnson, Robert	Kappler, Lawrence	Katsakiores, George	Lund, Howie
Major, Norman	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Nowe, Ronald	Packard, Sherman	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Reagan, John	Sanders, Elisabeth	Stiles, Nancy
Waterhouse, Kevin	Weare, Everett	Welch, David	Weyler, Kenneth
Wickson, Rick			

**STRAFFORD**

Watson, Robert
----------------

**SULLIVAN**

Houde, Matthew	Rodeschin, Beverly
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and the majority committee report was adopted.  
Ordered to third reading.

**SB 233-FN**, relative to sales by beverage manufacturers and relative to the definition of specialty beer. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for the Majority of Commerce: The bill as it came from the Senate has two parts. The first part addresses a United States Supreme Court ruling that states who permits in-state vintners to sell directly to consumers may not deny that same right to out-of-state producers.

Discrimination in interstate commerce is an unconstitutional trade barrier. This bill, with the amendment, contains a severability clause that will protect New Hampshire's liquor laws if some part is found invalid. The bill also addresses the one obvious discrimination where our current laws allow only New Hampshire microbrewers to self distribute. The committee amendment allows an out-of-state beverage vendor license to self distribute with the same restrictions as an in-state beer manufactures. The second part of the bill was more controversial. Although stores can sell wine coolers or wine up to 24% alcohol, current law limits beer at 12% and flavored malt beverages or FMBs at 6% alcohol. The committee struggled with the Senate version that allowed for sales of both beer and FMBs to be sold up to 14%. The primary concern is that some believe that FMBs are targeted to underage drinkers. The committee's amendment creates a study committee to address whether FMBs with a higher alcohol level should be allowed in New Hampshire and at a different tax rate than beer. The amendment also allows beer over 12% to be sold in New Hampshire with the approval of the liquor commission. The commission already has an approval process to review new beers and insure that inappropriate products will not be permitted in the state. Finally, the committee amendment requires that any beer over 6% must have the alcohol percentage on the label on the bottle. Vote 17-2.

Rep. Joel F. Winters for the Minority of Commerce: Letting the liquor commission decide the alcohol content of specialty beers is a change from current laws, which set a maximum of 12 percent. Every specialty beer, from 15, 20 or up to 25 percent could be sold if the liquor commission allows. Vesting this power to the commission, instead of setting the percentage in statute, is passing the buck. It is our responsibility as legislators to outline the policy that the various departments should follow. Let us continue to set that policy with the minority amendment. Specialty beers with up to 18% alcohol by volume would be permitted.

### Majority Amendment (1916h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to specialty beer, relative to sales by beverage vendor licensees, and establishing a committee to study flavored malt beverages.

Amend the bill by replacing all after the enacting clause with the following:

1 Alcoholic Beverages; Definitions; Specialty Beers. Amend RSA 175:1, LXIV-a to read as follows:

LXIV-a. "Specialty beer" means any beer as defined in RSA 175:1, VII intended for human consumption as a beverage, having an alcohol content greater than 6 percent but not more than 12 percent by volume at 60 degrees Fahrenheit. ***The commission may approve any specialty beer greater than 12 percent.***

2 New Section; Alcoholic Beverages; Severability. Amend RSA 175 by inserting after section 7 the following new section:

175:8 Severability. If any provision of this title, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the title which can be given effect without the invalid provisions or applications and to this end the provisions of this title are severable.

3 Beverage Vendor License. Amend the section heading of RSA 178:15 to read as follows:

178:15 Beverage Vendor ***License.***

4 New Paragraphs; Beverage Vendor License; Distribution. Amend RSA 178:15 by inserting after paragraph IV the following new paragraphs:

V. A holder of a beverage vendor license who represents a manufacturer who manufactures 15,000 barrels or less during its licensing period, as shown by its monthly brewer's reports and tax payments filed with the U.S. Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau may elect to distribute the beverages manufactured by it directly to New Hampshire retail licensees or to distribute its beverages pursuant to RSA 180, provided that total in-state direct retail sales do not exceed 5,000 barrels.

VI. All sales made to New Hampshire retailers under this section shall be products and packages approved by the commission, be C.O.D., and shall not be subject to the provisions of RSA 179:13. All product shall be transported in accordance with RSA 178:14 and be accompanied by a priced invoice showing in detail all product delivered, a copy of which shall be mailed to the commission by the vendor 2 days prior to the day of delivery.

VII. All sales made to New Hampshire retailers under this section shall be subject to the provisions of RSA 178:26.

5 New Section; Specialty Beer Label Requirements. Amend RSA 179 by inserting after section 40 the following new section:

179:40-a Specialty Beer Label Requirements. No person shall sell any specialty beer unless the label on the container and any packaging for the consumer clearly states the percent of alcohol by volume of the specialty beer.

6 Flavored Malt Beverages Study Committee.

I. There is established a committee to study flavored malt beverages.

II. The members of the committee shall be as follows:

(a) Three members of the house of representatives, one of whom shall be from the ways and means committee, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall study all aspects of the distribution and sale of flavored malt beverages in New Hampshire.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

7 Effective Date.

I. Section 5 of this act shall take effect January 1, 2008.

II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill changes the definition of specialty beer and prohibits the sale of specialty beer unless the label indicates alcohol content. This bill permits certain beverage vendor licensees to distribute beverages manufactured by them directly to retailers. This bill also establishes a committee to study flavored malt beverages.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

**SB 262**, establishing a committee to study certain prohibitions on smoking. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. Martin for Commerce: This bill would create a committee to study smoking indoors, outdoors and every place in between. No one appeared before the committee or subcommittee to testify in favor of this bill. The committee believes that SB 42 expresses the will of the committee and the will of the people and that further study is not necessary. No reasons were suggested by anyone in favor of this bill. Vote 13-5.

Committee report adopted.

**CACR 18**, relating to funding of public education. Providing that the general court shall define an adequate education, regularly determine the cost thereof, fund not less than fifty percent of the total statewide cost of an adequate education each year and distribute state aid to promote equal opportunity to receive an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie K. Smith for the Majority of Finance: The Committee amendment has three main components. First, it makes clear that the legislature has the responsibility, with regard to elementary and secondary education in the public schools, to define standards, determine the level of state funding and establish standards of accountability. Second, it requires that every school district receive a reasonable share of state funds. Third, it acknowledges that local communities have both rights and responsibilities for public education that differ from community to community and the state, in honoring the differences among local communities, may allocate state funds in order to mitigate local disparities in education opportunity and fiscal capacity. The committee amendment avoids the use of words which have no statutory or constitutional basis so as to avoid as much as possible future misunderstandings. Vote 15-10.



Rep. Neal M. Kurk for the Minority of Finance: The minority of the Committee respectfully disagrees with the majority amendment to CACR 18 and offers its own. While the two amendments share certain principles, they differ in other important aspects. The minority amendment: (1) uses the constitutional word “establish” to reaffirm that the legislature is the policy making branch of NH government, as stated in Part II, Article 5 of the Constitution, and more effectively states that the legislature shall “reasonably establish,” thereby making it more explicit that the appropriate level of judicial review shall be that of a rational basis; (2) makes clear that education is a “shared responsibility” with local communities, referring specifically to “local control,” knowing that local participation in the decision making process always produces the best results; and (3) ensures that every school district receives a reasonable share of funding on a per pupil basis, which guarantees a base amount while offering the possibility of targeting funds to mitigate local disparities and meet local needs. The minority believes that its amendment is more clear and specific, thereby reducing the possibility of misinterpretation and is written in a way that New Hampshire voters will understand and approve.

### **Majority Amendment (1971h)**

Amend the title of the resolution by replacing it with the following:

RELATING TO: funding of public education.

PROVIDING THAT: the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided every school district receives a share of the funds.

Amend paragraph I of the resolution by replacing it with the following:

I. That the second part of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a [Funding Public Education.] In fulfillment of the state’s duties set forth in the preceding article, the legislature shall have the authority and responsibility to reasonably define standards for elementary and secondary education in its public schools, determine the level of state funding thereof and establish standards of accountability. The legislature shall have the authority to allocate state funds for public education in a manner that honors the rights and responsibilities of local communities and that reasonably will mitigate local disparities in educational opportunity and fiscal capacity, provided that every school district receives a reasonable share of the state funds.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 83 a new article to read as follows:

[Art.] 83-a [Funding Public Education.] In fulfillment of the state’s duties set forth in the preceding article, the legislature shall have the authority and responsibility to reasonably define standards for elementary and secondary education in its public schools, determine the level of state funding thereof and establish standards of accountability. The legislature shall have the authority to allocate state funds for public education in a manner that honors the rights and responsibilities of local communities and that reasonably will mitigate local disparities in educational opportunity and fiscal capacity, provided that every school district receives a reasonable share of the state funds.”

### **AMENDED ANALYSIS**

This constitutional amendment concurrent resolution provides that the legislature shall define standards for public education, determine the level of state funding, establish standards of accountability, and allocate funds in a manner that mitigates disparities in educational opportunity and fiscal capacity. Reps. Kimberly Shaw, Gary Richardson, John Kelley and Peterson spoke against. Reps. Reardon and Marjorie Smith spoke in favor. Rep. Marjorie Smith requested a roll call; sufficiently seconded.

**YEAS 108 NAYS 253**

**YEAS 108**

**BELKNAP**

None

**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
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**CHESHIRE**

Burridge, Delmar	Butynski, William	Eaton, Daniel	Lerandeau, Alfred
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Roberts, Kris

**COOS**

Hatch, William	Mears, Edgar	Merrick, Evalyn	Theberge, Robert
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**GRAFTON**

Benn, Bernard	Estes, Carole	Laliberte, Suzanne	Matheson, Robert
McLeod, Martha	Nordgren, Sharon	Pierce, David	

**HILLSBOROUGH**

Baroody, Benjamin	Beaulieu, Jane	Brunelle, Michael	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Farley, Michael	Foster, Linda	Garrity, Patrick	Goley, Jeffrey
Hackel, Paul	Haley, Robert	Harvey, Suzanne	Irwin, Anne-Marie
Jean, Claudette	Johnson, Stephen	Kaelin, Michael	Katsiantonis, George
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette
Leishman, Peter	Levesque, Melanie	Lisle, Carolyn	Long, Patrick
Marshall, Seth	Movsesian, Lori	Nagle, Maureen	O'Brien, Michael Sr
Pilotte, Maurice	Reuschel, Michael	Rochette, Eric	Rosenwald, Cindy
Scannell, David	Shaw, Barbara	Simon, Anthony	Smith, David
Spratt, Stephen	Sullivan, Francis	Sysyn, Mary	

**MERRIMACK**

Baxley, Maureen	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	Kelly, Sally
McMahon, Patricia	Reardon, Tara	Ryan, Jim	Shurtleff, Stephen
Wallner, Mary	Wheeler, Deborah	Williams, Robert	

**ROCKINGHAM**

Borden, David	Cali-Pitts, Jacqueline	Lister, Charlotte	Nord, Susi
Pantelakos, Laura	Powers, James	Splaine, James	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Larry	Browne, Brendon
Burke, Rachel	Cyr, James	DeChane, Marlene	Goodwin, Earle
Hofemann, Roland	Hutz, Sarah	Knowles, William	Miller, Joseph
Rollo, Deanna	Rollo, Michael	Smith, Marjorie	Spang, Judith
Wall, Janet			

**SULLIVAN**

Franklin, Peter	Gottling, Suzanne	Jillette, Arthur Jr
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**NAYS 253****BELKNAP**

Allen, Janet	Arsenault, Beth	Boyce, Laurie	Clark, Charles
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Reever, Judith	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	Wood, Jane

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Heard, Virginia	Knox, J. David	Martin, James	Merrrow, Harry
Patten, Betsey	Stevens, Stanley		

**CHESHIRE**

Allen, Peter  
Dunn, J. Timothy  
Johnson, Jane  
Weber, Lucy

Butcher, Suzanne  
Emerson, Susan  
Richardson, Barbara  
Weed, Charles

Butterworth, Timothy  
Espiets, Peter  
Robertson, Timothy

Chase, William  
Hunt, John  
Sad, Tara

**COOS**

King, Frederick  
Thomas, Yvonne

Merrick, Scott

Remick, William

Tholl, John Jr

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Gionet, Edmond  
Lovett, Sid  
Sorg, Gregory

Almy, Susan  
Dingman, Vernon III  
Hammond, Lee  
Mulholland, Catherine  
Williams, Burton

Andersen, Gene  
Eaton, Stephanie  
Harding, A Laurie  
Preston, Philip

Bulis, Lyle  
Friedrich, Carol  
Ingbretson, Paul  
Solomon, Peter

**HILLSBOROUGH**

Barry, Richard  
Bergin, Peter  
Coughlin, Pamela  
Day, Russell  
Elliott, Nancy  
Fontas, Jeffrey  
Graham, John  
Hawkins, Ken  
Holden, Randolph  
Kurk, Neal  
Mack, Ron  
O'Connell, Timothy  
Peterson, Andy  
Rowe, Robert  
Smith, Sandra  
Tahir, Saghir  
Villeneuve, Maurice

Batula, Peter  
Christensen, Chris  
Crane, Elenore Casey  
Dokmo, Cynthia  
Emerton, Larry  
Gargasz, Carolyn  
Haefner, Robert  
Hebert, Roger  
Infantine, William  
L'Heureux, Robert  
McRae, Karen  
O'Neil, James  
Price, Pamela  
Schulze, Joan  
Soucy, Connie  
Ulery, Jordan  
Winters, Joel

Beck, Catriona  
Christiansen, Lars  
Daler, Jennifer  
Drisko, Richard  
Essex, David  
Ginsburg, Ruth  
Hall, Betty  
Hinkle, Peyton  
Jasper, Shawn  
Lawrence, James  
Mooney, Maureen  
Ober, Lynne  
Reeves, Sandra  
Shattuck, Gilman  
Spaulding, Jayne  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Clark, Mark  
Daniels, Gary  
Edwards, Andrew  
Fletcher, Richard  
Gorman, Mary  
Hammond, Jill  
Hogan, Edith  
Kelley, John  
Levasseur, Nickolas  
Moran, Edward  
Ober, Russell III  
Renzullo, Andrew  
Shaw, Kimberly  
Stepanek, Stephen  
Velez, Hector

**MERRIMACK**

Anderson, Eric  
Ehlers, Eileen  
Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Owen, Derek  
Richardson, Gary  
Webb, Leigh

Beauchesne, Suzanne  
French, Barbara  
Hess, David  
Lockwood, Priscilla  
Porter, Margaret  
Tilton, Joy  
Yeaton, Charles

Blanchard, Elizabeth  
Gile, Mary  
Humphries, Charlie  
MacKay, James  
Potter, Frances  
Tupper, Frank

Brown, Carole  
Greco, Vincent  
Kidder, David  
Osborne, Jessie  
Reed, Dennis  
Walz, Mary

**ROCKINGHAM**

Abbott, Dennis  
Belanger, Ronald  
Buxton, Donald  
Casey, Kimberley  
DiFruscia, Anthony  
Fesh, Bob  
Gould, Kenneth  
Henson, John  
Ingram, Russell  
Kappler, Lawrence  
Kepner, Susan

Allen, Mary  
Bettencourt, David  
Camm, Kevin  
Charron, Gene  
Dumaine, Dudley  
Flanders, John Sr  
Griffin, Mary  
Hopfgarten, Paul  
Introne, Robert  
Katsakiores, George  
Lund, Howie

Baldasaro, Alfred  
Bishop, Franklin  
Carson, Sharon  
Day, Judith  
Elliott, Robert  
Flockhart, Eileen  
Guthrie, Joseph  
Howard, Doreen  
Itse, Daniel  
Kelley, Jane  
Major, Norman

Bedrick, Jason  
Brown, C. Pennington  
Case, Frank  
Devine, James  
Emiro, Frank  
Garrity, James  
Headd, James  
Hutchinson, Karen  
Johnson, Robert  
Kennedy, James  
Marsh, Michael

McCarthy, Linda  
McMahon, Charles  
Nowe, Ronald  
Quandt, Marshall  
Russell, Trinka  
Waterhouse, Kevin  
Weyler, Kenneth

McEachern, Paul  
Moody, Marcia  
Packard, Sherman  
Quandt, Matthew  
Sanders, Elisabeth  
Weare, Everett  
Wickson, Rick

McKenna, Daniel  
Moore, Benjamin  
Preston, Mark  
Reagan, John  
Snow, Richard  
Welch, David  
Winchell, George

McKinney, Betsy  
Moore, Bennett  
Priestley, Anne  
Robertson, Carl  
Stiles, Nancy  
Wells, Roger

### STRAFFORD

Billian, Deborah  
Fargo, Thomas  
Mickelonis, Shawn  
Sprague, Dale  
Watson, Robert

Brown, Jennifer  
Grassie, Anne  
Perry, Robert  
Srnc, Robert

Brown, Julie  
Hubbard, Pamela  
Rous, Emma  
Vachon, Dennis

Domingo, Baldwin  
Kaen, Naida  
Schmidt, Peter  
Warren, Nancy

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Rodeschin, Beverly

Converse, Larry  
Houde, Matthew  
Skinder, Carla

Donovan, Thomas  
Nielsen, Ellen

Ferland, Brenda  
Phinizy, James

and the majority committee amendment failed.

### INDEFINITELY POSTPONED

Rep. Peterson moved that *CACR 18*, relating to funding of public education. Providing that the general court shall define an adequate education, regularly determine the cost thereof, fund not less than fifty percent of the total statewide cost of an adequate education each year and distribute state aid to promote equal opportunity to receive an adequate education, be indefinitely postponed.

Rep. Whalley spoke against.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Whalley requested a roll call; sufficiently seconded.

### YEAS 187 NAYS 176

### YEAS 187

### BELKNAP

Arsenault, Beth

Morrison, Gail

Reever, Judith

### CARROLL

Buco, Thomas

Cunningham, Howard

Heard, Virginia

### CHESHIRE

Allen, Peter  
Chase, William  
Mitchell, Bonnie  
Roberts, Kris

Burridge, Delmar  
Dunn, J. Timothy  
Parkhurst, Henry  
Weber, Lucy

Butcher, Suzanne  
Eaton, Daniel  
Plifka, Stanley Jr

Butterworth, Timothy  
Loll, Thomas  
Richardson, Barbara

### COOS

Mears, Edgar

Merrick, Scott

### GRAFTON

Aguiar, James  
Cooney, Mary  
Harding, A Laurie  
Preston, Philip

Almy, Susan  
Estes, Carole  
McLeod, Martha  
Solomon, Peter

Andersen, Gene  
Friedrich, Carol  
Mulholland, Catherine  
Williams, Burton

Benn, Bernard  
Hammond, Lee  
Nordgren, Sharon

### HILLSBOROUGH

Baroody, Benjamin  
Brunelle, Michael  
Cote, Peter

Beaulieu, Jane  
Chase, Claudia  
Daler, Jennifer

Beck, Catriona  
Clemons, Jane  
Dokmo, Cynthia

Bergin, Peter  
Cote, David  
Edwards, Andrew

Essex, David  
Foster, Linda  
Harvey, Suzanne  
Johnson, Stephen  
Knowles, Mary Ann  
Lisle, Carolyn  
Messier, Irene  
O'Neil, James  
Rosenwald, Cindy  
Shaw, Kimberly  
Velez, Hector

Farley, Michael  
Goley, Jeffrey  
Hebert, Roger  
Kaelin, Michael  
Kopka, Angeline  
Long, Patrick  
Movesian, Lori  
Peterson, Andy  
Scannell, David  
Smith, Sandra

Fletcher, Richard  
Hall, Betty  
Irwin, Anne-Marie  
Katsiantonis, George  
Lasky, Bette  
Mack, Ron  
Nagle, Maureen  
Pilotte, Maurice  
Schulze, Joan  
Spratt, Stephen

Fontas, Jeffrey  
Hammond, Jill  
Jean, Claudette  
Kelley, John  
Levesque, Melanie  
Marshall, Seth  
O'Brien, Michael Sr  
Rochette, Eric  
Shaw, Barbara  
Sullivan, Francis

### MERRIMACK

Baxley, Maureen  
Brown, Carole  
Ehlers, Eileen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Potter, Frances  
Tilton, Joy  
Webb, Leigh

Beauchesne, Suzanne  
Brueggemann, Donald  
Foose, Robert  
Hager, Elizabeth  
McMahon, Patricia  
Reardon, Tara  
Tupper, Frank  
Wheeler, Deborah

Blanchard, Elizabeth  
Clarke, Claire  
French, Barbara  
Kelly, Sally  
Osborne, Jessie  
Richardson, Gary  
Wallner, Mary  
Williams, Robert

Bouchard, Candace  
DeJoie, John  
Gile, Mary  
Kidder, David  
Porter, Margaret  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Gould, Kenneth  
Kennedy, James  
McEachern, Paul  
Moore, Bennett  
Preston, Mark  
Splaine, James

Cali-Pitts, Jacqueline  
Henson, John  
Kepner, Susan  
McKenna, Daniel  
Nord, Susi  
Robertson, Carl  
Wells, Roger

Casey, Kimberley  
Howard, Doreen  
Marsh, Michael  
Moody, Marcia  
Pantelakos, Laura  
Russell, Trinka

Day, Judith  
Kelley, Jane  
McCarthy, Linda  
Moore, Benjamin  
Powers, James  
Snow, Richard

### STRAFFORD

Billian, Deborah  
Brown, Larry  
DeChane, Marlene  
Hubbard, Pamela  
Mickelonis, Shawn  
Schmidt, Peter  
Srnc, Robert

Brennan, William  
Browne, Brendon  
Domingo, Baldwin  
Hutz, Sarah  
Perry, Robert  
Smith, Marjorie  
Vachon, Dennis

Brown, Jennifer  
Burke, Rachel  
Grassie, Anne  
Kaen, Naida  
Rollo, Deanna  
Spang, Judith  
Wall, Janet

Brown, Julie  
Cyr, James  
Hofemann, Roland  
Knowles, William  
Rous, Emma  
Sprague, Dale  
Warren, Nancy

### SULLIVAN

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Phinizy, James

Donovan, Thomas  
Gottling, Suzanne  
Skinder, Carla

Ferland, Brenda  
Houde, Matthew

### NAYS 176

### BELKNAP

Allen, Janet  
Nedeau, Stephen  
Tilton, Franklin  
Wood, Jane

Boyce, Laurie  
Pilliod, James  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Millham, Alida  
Thomas, John  
Whalley, Michael

### CARROLL

Ahlgren, Christopher  
Chandler, Gene  
Morrow, Harry

Bridgman, Robert  
Denley, William  
Patten, Betsey

Brown, Carolyn  
Knox, J. David  
Stevens, Stanley

Butler, Edward  
Martin, James

**CHESHIRE**

Butynski, William  
Johnson, Jane  
Weed, Charles

Emerson, Susan  
Lerandeau, Alfred

Espiefs, Peter  
Robertson, Timothy

Hunt, John  
Sad, Tara

**COOS**

Hatch, William  
Theberge, Robert

King, Frederick  
Tholl, John Jr

Merrick, Evalyn  
Thomas, Yvonne

Remick, William

**GRAFTON**

Bulis, Lyle  
Ingbretson, Paul  
Pierce, David

Dingman, Vernon III  
Laliberte, Suzanne  
Sorg, Gregory

Eaton, Stephanie  
Lovett, Sid

Gionet, Edmond  
Matheson, Robert

**HILLSBOROUGH**

Barry, Richard  
Christensen, Chris  
Crane, Elenore Casey  
Elliott, Nancy  
Ginsburg, Ruth  
Haefner, Robert  
Hogan, Edith  
Knowles, John  
Leishman, Peter  
Moran, Edward  
Price, Pamela  
Rowe, Robert  
Soucy, Connie  
Tahir, Saghir  
Winters, Joel

Batula, Peter  
Christiansen, Lars  
Daniels, Gary  
Emerton, Larry  
Gorman, Mary  
Haley, Robert  
Holden, Randolph  
Kurk, Neal  
Levasseur, Nickolas  
O'Connell, Timothy  
Reeves, Sandra  
Shattuck, Gilman  
Spaulding, Jayne  
Ulery, Jordan

Bergeron, Jean-Guy  
Clark, Mark  
Day, Russell  
Gargas, Carolyn  
Graham, John  
Hawkins, Ken  
Infantine, William  
L'Heureux, Robert  
McRae, Karen  
Ober, Lynne  
Renzullo, Andrew  
Simon, Anthony  
Stepanek, Stephen  
Vaillancourt, Steve

Campbell, David  
Coughlin, Pamela  
Drisko, Richard  
Garrity, Patrick  
Hackel, Paul  
Hinkle, Peyton  
Jasper, Shawn  
Lawrence, James  
Mooney, Maureen  
Ober, Russell III  
Reuschel, Michael  
Smith, David  
Sysyn, Mary  
Villeneuve, Maurice

**MERRIMACK**

Anderson, Eric  
Lockwood, Priscilla  
Ryan, Jim

DeStefano, Stephen  
MacKay, James

Hess, David  
Owen, Derek

Humphries, Charlie  
Reed, Dennis

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Buxton, Donald  
Charron, Gene  
Elliott, Robert  
Flockhart, Eileen  
Headd, James  
Introne, Robert  
Katsakiores, George  
McKinney, Betsy  
Priestley, Anne  
Sanders, Elisabeth  
Welch, David

Baldasaro, Alfred  
Bishop, Franklin  
Camm, Kevin  
Devine, James  
Emiro, Frank  
Garrity, James  
Hopfgarten, Paul  
Itse, Daniel  
Lister, Charlotte  
McMahon, Charles  
Quandt, Marshall  
Stiles, Nancy  
Weyler, Kenneth

Bedrick, Jason  
Borden, David  
Carson, Sharon  
DiFruscia, Anthony  
Fesh, Bob  
Griffin, Mary  
Hutchinson, Karen  
Johnson, Robert  
Lund, Howie  
Nowe, Ronald  
Quandt, Matthew  
Waterhouse, Kevin  
Wickson, Rick

Belanger, Ronald  
Brown, C. Pennington  
Case, Frank  
Dumaine, Dudley  
Flanders, John Sr  
Guthrie, Joseph  
Ingram, Russell  
Kappler, Lawrence  
Major, Norman  
Packard, Sherman  
Reagan, John  
Weare, Everett  
Winchell, George

**STRAFFORD**

Berube, Roger  
Rollo, Michael

Fargo, Thomas  
Watson, Robert

Goodwin, Earle

Miller, Joseph

**SULLIVAN**

Nielsen, Ellen  
and the motion was adopted.

Rodeschin, Beverly

**REGULAR CALENDAR (CONT'D)**

**SB 18-FN**, raising the age of required attendance of children in school. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie K. Smith for the Majority of Finance: This bill raises the school leaving age to 18 while at the same time attempting to systematize a wide variety of program alternatives which can be utilized in a plan developed by the student, a parent or guardian, a guidance counselor and the principal. There is no funding in this bill, because the budget and other bills do provide additional funding. The Committee notes the economic benefit to the individual and the community directly related to an increase in the number of our citizens who earn a high school diploma. This bill is widely supported by the business community as well as law enforcement and social service agencies. The year's delay in implementation will give school districts time to assess the resources already in place and develop procedures to make sure every child is in the right place to do the best he or she can do to prepare to play a useful role in society. Vote 13-12.

Rep. Kenneth L. Weyler for the Minority of Finance: The narrow margin by which this bill passed is reflective of real concerns. The minority feels it is an unfunded mandate on local districts and could lead to large cost increases. Even though most of the bill has a 2009 deadline, the school districts have already passed next year's budgets, so there is only one year to make the changes required for compliance. Many districts have created drop out prevention programs. It is more appropriate to analyze these programs and find which ones are most successful and worthy of state support. Forcing unwilling students to remain in classrooms where their activities are often disruptive is a negative for the other students. We are not sure this bill will treat that problem.

Rep. Weyler offered minority committee amendment (1901h).

**Minority Amendment (1901h)**

Amend the bill by replacing all after section 5 with the following:

6 Applicability. This act shall take effect in each school district of the state beginning July 1, 2009 only after both of the following occur:

I. The commissioner of the department of education certifies to the secretary of state and the governor that sufficient funds are available to the department to fully fund the educational programs, services, and personnel and, where appropriate, the alternative learning plans as set forth in RSA 193:1, I(g), necessary to provide appropriate educational services to children who are at least 16 years of age but under 18 years of age and who, but for the increase in the age of compulsory attendance set forth in RSA 193:1, I(a), would not have attended school; and

II. The school board of the school district certifies to the commissioner of the department of education that the school district is able to comply with the provisions of this act.

7 Effective Date.

I. Sections 1-5 of this act shall take effect as provided in section 6 of this act.

II. The remainder of this act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill raises from 16 to 18 the age for compulsory school attendance and provides a procedure for a pupil who is at least 16 years of age to obtain an attendance waiver from school and requires that the commissioner of the department of education and the school board of a school district certify their respective abilities to comply with the provisions of the bill.

Rep. Weyler spoke in favor and yielded to questions.

Rep. Foose spoke against.

Rep. Foster requested a roll call; sufficiently seconded.

**YEAS 155 NAYS 201**

**YEAS 155**

**BELKNAP**

Allen, Janet  
Nedeau, Stephen  
Tilton, Franklin

Boyce, Laurie  
Pilliod, James  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Millham, Alida  
Thomas, John  
Whalley, Michael

**CARROLL**

Ahlgren, Christopher  
 Heard, Virginia  
 Patten, Betsey

Brown, Carolyn  
 Knox, J. David  
 Stevens, Stanley

Chandler, Gene  
 Martin, James

Denley, William  
 Merrow, Harry

**CHESHIRE**

Butynski, William  
 Robertson, Timothy

Emerson, Susan

Hunt, John

Johnson, Jane

**COOS**

King, Frederick

Tholl, John Jr

**GRAFTON**

Andersen, Gene  
 Ingbreton, Paul

Dingman, Vernon III  
 Sorg, Gregory

Eaton, Stephanie  
 Williams, Burton

Gionet, Edmond

**HILLSBOROUGH**

Barry, Richard  
 Christensen, Chris  
 Crane, Elenore Casey  
 Drisko, Richard  
 Gargas, Carolyn  
 Hawkins, Ken  
 Infantine, William  
 Lawrence, James  
 Messier, Irene  
 O'Connell, Timothy  
 Price, Pamela  
 Smith, David  
 Sullivan, Francis  
 Villeneuve, Maurice

Batula, Peter  
 Christiansen, Lars  
 Daniels, Gary  
 Elliott, Nancy  
 Graham, John  
 Hinkle, Peyton  
 Jasper, Shawn  
 Levasseur, Nickolas  
 Mooney, Maureen  
 Ober, Lynne  
 Reeves, Sandra  
 Soucy, Connie  
 Tahir, Saghir  
 Winters, Joel

Bergeron, Jean-Guy  
 Clark, Mark  
 Day, Russell  
 Emerton, Larry  
 Haefner, Robert  
 Hogan, Edith  
 Kurk, Neal  
 Marshall, Seth  
 Moran, Edward  
 Ober, Russell III  
 Renzullo, Andrew  
 Spaulding, Jayne  
 Ulery, Jordan

Bergin, Peter  
 Coughlin, Pamela  
 Dokmo, Cynthia  
 Fletcher, Richard  
 Hansen, Ryan  
 Holden, Randolph  
 L'Heureux, Robert  
 McRae, Karen  
 Nagle, Maureen  
 Peterson, Andy  
 Rowe, Robert  
 Stepanek, Stephen  
 Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
 Humphries, Charlie  
 Owen, Derek

Brown, Carole  
 Kelly, Sally  
 Reed, Dennis

Hager, Elizabeth  
 Kidder, David  
 Tupper, Frank

Hess, David  
 Lockwood, Priscilla

**ROCKINGHAM**

Allen, Mary  
 Bettencourt, David  
 Carson, Sharon  
 DiFruscia, Anthony  
 Fesh, Bob  
 Guthrie, Joseph  
 Ingram, Russell  
 Kappler, Lawrence  
 McKinney, Betsy  
 Packard, Sherman  
 Reagan, John  
 Welch, David  
 Winchell, George

Baldasaro, Alfred  
 Bishop, Franklin  
 Case, Frank  
 Dumaine, Dudley  
 Flanders, John Sr  
 Headd, James  
 Introne, Robert  
 Katsakiores, George  
 McMahon, Charles  
 Priestley, Anne  
 Sanders, Elisabeth  
 Wells, Roger

Bedrick, Jason  
 Buxton, Donald  
 Charron, Gene  
 Elliott, Robert  
 Garrity, James  
 Hopfgarten, Paul  
 Itse, Daniel  
 Lund, Howie  
 Moore, Benjamin  
 Quandt, Marshall  
 Waterhouse, Kevin  
 Weyler, Kenneth

Belanger, Ronald  
 Camm, Kevin  
 Devine, James  
 Emiro, Frank  
 Griffin, Mary  
 Hutchinson, Karen  
 Johnson, Robert  
 Major, Norman  
 Nowe, Ronald  
 Quandt, Matthew  
 Weare, Everett  
 Wickson, Rick

**STRAFFORD**

Grassie, Anne

Hubbard, Pamela

Watson, Robert

**SULLIVAN**

Ferland, Brenda

Rodeschin, Beverly



**NAYS 201****BELKNAP**

Arsenault, Beth	Morrison, Gail	Reever, Judith	Wood, Jane
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**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
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**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Chase, William	Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter
Lerandeau, Alfred	Loll, Thomas	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Sad, Tara
Weber, Lucy	Weed, Charles		

**COOS**

Hatch, William	Mears, Edgar	Merrick, Evalyn	Merrick, Scott
Remick, William	Theberge, Robert	Thomas, Yvonne	

**GRAFTON**

Aguiar, James	Almy, Susan	Benn, Bernard	Bulis, Lyle
Cooney, Mary	Estes, Carole	Friedrich, Carol	Hammond, Lee
Harding, A Laurie	Laliberte, Suzanne	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Pierce, David
Preston, Philip	Solomon, Peter		

**HILLSBOROUGH**

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Brunelle, Michael
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, David
Cote, Peter	Daler, Jennifer	Edwards, Andrew	Essex, David
Farley, Michael	Fontas, Jeffrey	Foster, Linda	Garrity, Patrick
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Hackel, Paul
Haley, Robert	Hall, Betty	Hammond, Jill	Harvey, Suzanne
Hebert, Roger	Irwin, Anne-Marie	Jean, Claudette	Johnson, Stephen
Kaelin, Michael	Katsiantonis, George	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette	Leishman, Peter
Levesque, Melanie	Lisle, Carolyn	Long, Patrick	Mack, Ron
Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James	Pilotte, Maurice
Reuschel, Michael	Rochette, Eric	Rosenwald, Cindy	Scannell, David
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Simon, Anthony	Smith, Sandra	Spratt, Stephen	Sysyn, Mary

**MERRIMACK**

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Brueggemann, Donald	DeJoie, John	DeStefano, Stephen	Ehlers, Eileen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Kjellman, Eleanor Glynn	McMahon, Patricia	Osborne, Jessie	Porter, Margaret
Potter, Frances	Reardon, Tara	Richardson, Gary	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary	Walz, Mary
Webb, Leigh	Williams, Robert	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline
Casey, Kimberley	Day, Judith	Flockhart, Eileen	Gould, Kenneth
Henson, John	Howard, Doreen	Kennedy, James	Kepner, Susan
Lister, Charlotte	Marsh, Michael	McCarthy, Linda	McEachern, Paul
McKenna, Daniel	Moody, Marcia	Moore, Bennett	Nord, Susi
Pantelakos, Laura	Powers, James	Preston, Mark	Robertson, Carl
Russell, Trink	Snow, Richard	Splaine, James	Stiles, Nancy

**STRAFFORD**

Berube, Roger  
Brown, Julie  
Domingo, Baldwin  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Billian, Deborah  
Brown, Larry  
Fargo, Thomas  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brennan, William  
Browne, Brendon  
Goodwin, Earle  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, Jennifer  
Burke, Rachel  
Hofemann, Roland  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

and the minority committee amendment failed.  
Rep. Itse offered floor amendment (2056h).

**Floor Amendment (2056h)**

Amend RSA 193:1, I(g)(3) as inserted by section 1 of the bill by replacing it with the following:

*(3) If the superintendent does not approve the alternative learning plan, the parent or guardian of the pupil may appeal such decision to the local school board. A parent or guardian may appeal the decision of the local school board to the state board of education consistent with the provisions of RSA 21-N:11, III. A parent or guardian of the pupil may object to the alternative learning plan by notifying the superintendent of such objection. The superintendent shall not approve an alternative learning plan that is the subject of an objection by a parent or guardian of the pupil. If a parent or guardian of the pupil objects after a plan is approved, the superintendent shall rescind the approval and any waiver that may have been granted under this subparagraph.*

Rep. Itse spoke in favor.

Rep. Rous spoke against.

Rep. Foster requested a roll call; sufficiently seconded.

**YEAS 150 NAYS 207****YEAS 150****BELKNAP**

Allen, Janet  
Pilliod, James  
Tobin, William

Boyce, Laurie  
Russell, David  
Wendelboe, Fran

Clark, Charles  
Thomas, John  
Whalley, Michael

Nedeau, Stephen  
Tilton, Franklin

**CARROLL**

Ahlgren, Christopher  
Martin, James

Brown, Carolyn  
Merrow, Harry

Chandler, Gene  
Patten, Betsey

Denley, William  
Stevens, Stanley

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

**COOS**

King, Frederick

Remick, William

Tholl, John Jr

**GRAFTON**

Dingman, Vernon III  
Pierce, David

Eaton, Stephanie  
Sorg, Gregory

Gionet, Edmond  
Williams, Burton

Ingbertson, Paul

**HILLSBOROUGH**

Barry, Richard  
Christensen, Chris  
Crane, Elenore Casey  
Drisko, Richard  
Gorman, Mary  
Hawkins, Ken

Batula, Peter  
Christiansen, Lars  
Daniels, Gary  
Elliott, Nancy  
Graham, John  
Hinkle, Peyton

Bergeron, Jean-Guy  
Clark, Mark  
Day, Russell  
Emerton, Larry  
Haefner, Robert  
Hogan, Edith

Bergin, Peter  
Coughlin, Pamela  
Dokmo, Cynthia  
Gargas, Carolyn  
Hansen, Ryan  
Holden, Randolph

Infantine, William  
L'Heureux, Robert  
Messier, Irene  
O'Connell, Timothy  
Price, Pamela  
Schulze, Joan  
Spaulding, Jayne  
Vaillancourt, Steve

Jasper, Shawn  
Lawrence, James  
Mooney, Maureen  
Ober, Lynne  
Reeves, Sandra  
Shaw, Kimberly  
Stepanek, Stephen  
Villeneuve, Maurice

Kelley, John  
Levasseur, Nickolas  
Moran, Edward  
Ober, Russell III  
Renzullo, Andrew  
Smith, David  
Tahir, Saghir  
Winters, Joel

Kurk, Neal  
McRae, Karen  
Nagle, Maureen  
Peterson, Andy  
Rowe, Robert  
Soucy, Connie  
Ulery, Jordan

### MERRIMACK

Anderson, Eric  
Kidder, David

Hager, Elizabeth  
Lockwood, Priscilla

Hess, David  
Reed, Dennis

Humphries, Charlie

### ROCKINGHAM

Allen, Mary  
Bettencourt, David  
Camm, Kevin  
Devine, James  
Emiro, Frank  
Griffin, Mary  
Hutchinson, Karen  
Kappler, Lawrence  
Marsh, Michael  
Nowe, Ronald  
Quandt, Matthew  
Weare, Everett  
Wickson, Rick

Baldasaro, Alfred  
Bishop, Franklin  
Carson, Sharon  
DiFruscia, Anthony  
Fesh, Bob  
Guthrie, Joseph  
Ingram, Russell  
Katsakiores, George  
McKinney, Betsy  
Packard, Sherman  
Reagan, John  
Welch, David  
Winchell, George

Bedrick, Jason  
Buxton, Donald  
Case, Frank  
Dumaine, Dudley  
Flanders, John Sr  
Headd, James  
Introne, Robert  
Lund, Howie  
McMahon, Charles  
Priestley, Anne  
Sanders, Elisabeth  
Wells, Roger

Belanger, Ronald  
Cali-Pitts, Jacqueline  
Charron, Gene  
Elliott, Robert  
Garrity, James  
Hopfgarten, Paul  
Itse, Daniel  
Major, Norman  
Moore, Benjamin  
Quandt, Marshall  
Waterhouse, Kevin  
Weyler, Kenneth

### STRAFFORD

Berube, Roger

Billian, Deborah

Brown, Jennifer

Brown, Julie

### SULLIVAN

Ferland, Brenda

Rodeschin, Beverly

### NAYS 207

### BELKNAP

Arsenault, Beth  
Wood, Jane

Millham, Alida

Morrison, Gail

Reever, Judith

### CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Knox, J. David

Butler, Edward

Cunningham, Howard

### CHESHIRE

Allen, Peter  
Butynski, William  
Espieffs, Peter  
Parkhurst, Henry  
Robertson, Timothy

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Sad, Tara

Butcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Richardson, Barbara  
Weber, Lucy

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

### COOS

Hatch, William  
Theberge, Robert

Mears, Edgar  
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

### GRAFTON

Aguiar, James  
Bulis, Lyle  
Hammond, Lee  
Matheson, Robert  
Preston, Philip

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Solomon, Peter

Andersen, Gene  
Estes, Carole  
Laliberte, Suzanne  
Mulholland, Catherine

Benn, Bernard  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Cote, Peter  
Farley, Michael  
Garity, Patrick  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Kopka, Angeline  
Lisle, Carolyn  
Movsesian, Lori  
Reuschel, Michael  
Shattuck, Gilman  
Spratt, Stephen

Beaulieu, Jane  
Chase, Claudia  
Daler, Jennifer  
Fletcher, Richard  
Ginsburg, Ruth  
Hall, Betty  
Irwin, Anne-Marie  
Katsiantonis, George  
Lasky, Bette  
Long, Patrick  
O'Brien, Michael Sr  
Rochette, Eric  
Shaw, Barbara  
Sullivan, Francis

Beck, Catriona  
Clemons, Jane  
Edwards, Andrew  
Fontas, Jeffrey  
Goley, Jeffrey  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Mack, Ron  
O'Neil, James  
Rosenwald, Cindy  
Simon, Anthony  
Sysyn, Mary

Brunelle, Michael  
Cote, David  
Essex, David  
Foster, Linda  
Hackel, Paul  
Harvey, Suzanne  
Johnson, Stephen  
Knowles, Mary Ann  
Levesque, Melanie  
Marshall, Seth  
Pilotte, Maurice  
Scannell, David  
Smith, Sandra

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
Ehlers, Eileen  
Greco, Vincent  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Beauchesne, Suzanne  
Brueggemann, Donald  
Foose, Robert  
Kelly, Sally  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Williams, Robert

Blanchard, Elizabeth  
DeJoie, John  
French, Barbara  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

Bouchard, Candace  
DeStefano, Stephen  
Gile, Mary  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary

**ROCKINGHAM**

Abbott, Dennis  
Day, Judith  
Howard, Doreen  
Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Russell, Trink

Borden, David  
Flockhart, Eileen  
Johnson, Robert  
Lister, Charlotte  
Moody, Marcia  
Powers, James  
Snow, Richard

Brown, C. Pennington  
Gould, Kenneth  
Kelley, Jane  
McCarthy, Linda  
Moore, Bennett  
Preston, Mark  
Splaine, James

Casey, Kimberley  
Henson, John  
Kennedy, James  
McEachern, Paul  
Nord, Susi  
Robertson, Carl  
Stiles, Nancy

**STRAFFORD**

Brennan, William  
Domingo, Baldwin  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Brown, Larry  
Fargo, Thomas  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Browne, Brendon  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Burke, Rachel  
Grassie, Anne  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

and floor amendment (2056h) failed.

The question now being adoption of the majority committee report of Ought to Pass.  
Rep. David Smith spoke against.  
Rep. Rous spoke in favor.  
Rep. Foster requested a roll call; sufficiently seconded.

**YEAS 201 NAYS 156****YEAS 201****BELKNAP**

Arsenault, Beth  
Wood, Jane

Morrison, Gail

Pilliod, James

Reever, Judith

**CARROLL**

Bridgham, Robert

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Chase, William  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Weber, Lucy

Burridge, Delmar  
Dunn, J. Timothy  
Loll, Thomas  
Richardson, Barbara  
Weed, Charles

Butcher, Suzanne  
Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris

Butterworth, Timothy  
Espiefs, Peter  
Parkhurst, Henry  
Sad, Tara

**COOS**

Hatch, William  
Remick, William

Mears, Edgar  
Theberge, Robert

Merrick, Evalyn  
Thomas, Yvonne

Merrick, Scott

**GRAFTON**

Aguiar, James  
Bulis, Lyle  
Hammond, Lee  
Matheson, Robert  
Pierce, David

Almy, Susan  
Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Preston, Philip

Andersen, Gene  
Estes, Carole  
Laliberte, Suzanne  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Cote, Peter  
Farley, Michael  
Garrity, Patrick  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Knowles, Mary Ann  
Lisle, Carolyn  
Nagle, Maureen  
Reuschel, Michael  
Schulze, Joan  
Smith, Sandra

Beaulieu, Jane  
Chase, Claudia  
Daler, Jennifer  
Fontas, Jeffrey  
Ginsburg, Ruth  
Hall, Betty  
Irwin, Anne-Marie  
Katsiantonis, George  
Kopka, Angeline  
Long, Patrick  
O'Brien, Michael Sr  
Rochette, Eric  
Shattuck, Gilman  
Sysyn, Mary

Beck, Catriona  
Clemons, Jane  
Edwards, Andrew  
Foster, Linda  
Goley, Jeffrey  
Hammond, Jill  
Jean, Claudette  
Kelley, John  
Lasky, Bette  
Marshall, Seth  
O'Neil, James  
Rosenwald, Cindy  
Shaw, Barbara

Brunelle, Michael  
Cote, David  
Essex, David  
Gargasch, Carolyn  
Hackel, Paul  
Harvey, Suzanne  
Johnson, Stephen  
Knowles, John  
Levesque, Melanie  
Movsesian, Lori  
Pilotte, Maurice  
Scannell, David  
Simon, Anthony

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
Foose, Robert  
Hager, Elizabeth  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Williams, Robert

Beauchesne, Suzanne  
DeJoice, John  
French, Barbara  
Kelly, Sally  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

Blanchard, Elizabeth  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary

Bouchard, Candace  
Ehlers, Eileen  
Greco, Vincent  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

**ROCKINGHAM**

Abbott, Dennis  
Casey, Kimberley

Borden, David  
Day, Judith

Brown, C. Pennington  
Flockhart, Eileen

Cali-Pitts, Jacqueline  
Gould, Kenneth

Henson, John  
Lister, Charlotte  
Moody, Marcia  
Powers, James  
Snow, Richard

Howard, Doreen  
Marsh, Michael  
Moore, Bennett  
Preston, Mark  
Splaine, James

Kennedy, James  
McEachern, Paul  
Nord, Susi  
Robertson, Carl  
Stiles, Nancy

Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Russell, Trinka  
Winchell, George

### STRAFFORD

Berube, Roger  
Brown, Larry  
Fargo, Thomas  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srnc, Robert

Billian, Deborah  
Browne, Brendon  
Goodwin, Earle  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

Brown, Jennifer  
Burke, Rachel  
Hofemann, Roland  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Wall, Janet

Brown, Julie  
Cyr, James  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Warren, Nancy

### SULLIVAN

Cloutier, John  
Gottling, Suzanne

Donovan, Thomas  
Jillette, Arthur Jr

Franklin, Peter  
Nielsen, Ellen

Gagnon, Raymond  
Phinizy, James

### NAYS 156

### BELKNAP

Allen, Janet  
Nedeau, Stephen  
Tobin, William

Boyce, Laurie  
Russell, David  
Wendelboe, Fran

Clark, Charles  
Thomas, John  
Whalley, Michael

Millham, Alida  
Tilton, Franklin

### CARROLL

Ahlgren, Christopher  
Heard, Virginia  
Patten, Betsey

Brown, Carolyn  
Knox, J. David  
Stevens, Stanley

Chandler, Gene  
Martin, James

Denley, William  
Morrow, Harry

### CHESHIRE

Butynski, William  
Robertson, Timothy

Emerson, Susan

Hunt, John

Johnson, Jane

### COOS

King, Frederick

Tholl, John Jr

### GRAFTON

Dingman, Vernon III  
Sorg, Gregory

Eaton, Stephanie  
Williams, Burton

Gionet, Edmond

Ingbretson, Paul

### HILLSBOROUGH

Barry, Richard  
Christensen, Chris  
Crane, Elenore Casey  
Drisko, Richard  
Gorman, Mary  
Hawkins, Ken  
Infantine, William  
Lawrence, James  
McRae, Karen  
Ober, Lynne  
Reeves, Sandra  
Smith, David  
Stepanek, Stephen  
Villeneuve, Maurice

Batula, Peter  
Christiansen, Lars  
Daniels, Gary  
Elliott, Nancy  
Graham, John  
Hinkle, Peyton  
Jasper, Shawn  
Leishman, Peter  
Mooney, Maureen  
Ober, Russell III  
Renzullo, Andrew  
Soucy, Connie  
Sullivan, Francis  
Winters, Joel

Bergeron, Jean-Guy  
Clark, Mark  
Day, Russell  
Emerton, Larry  
Haefner, Robert  
Hogan, Edith  
Kurk, Neal  
Levasseur, Nickolas  
Moran, Edward  
Peterson, Andy  
Rowe, Robert  
Spaulding, Jayne  
Tahir, Saghir

Bergin, Peter  
Coughlin, Pamela  
Dokmo, Cynthia  
Fletcher, Richard  
Hansen, Ryan  
Holden, Randolph  
L'Heureux, Robert  
Mack, Ron  
O'Connell, Timothy  
Price, Pamela  
Shaw, Kimberly  
Spratt, Stephen  
Ulery, Jordan

**MERRIMACK**

Anderson, Eric	Brown, Carole	Hess, David	Humphries, Charlie
Kidder, David	Lockwood, Priscilla	Owen, Derek	Reed, Dennis

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Buxton, Donald	Camm, Kevin
Carson, Sharon	Case, Frank	Charron, Gene	Devine, James
DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Garrity, James	Griffin, Mary
Guthrie, Joseph	Headd, James	Hopfgarten, Paul	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Kappler, Lawrence	Katsakiores, George	Kelley, Jane	Lund, Howie
Major, Norman	McCarthy, Linda	McKinney, Betsy	McMahon, Charles
Moore, Benjamin	Nowe, Ronald	Packard, Sherman	Priestley, Anne
Quandt, Marshall	Quandt, Matthew	Reagan, John	Sanders, Elisabeth
Waterhouse, Kevin	Weare, Everett	Welch, David	Wells, Roger
Weyler, Kenneth	Wickson, Rick		

**STRAFFORD**

Brennan, William	Domingo, Baldwin	Grassie, Anne	Hubbard, Pamela
Watson, Robert			

**SULLIVAN**

Converse, Larry	Ferland, Brenda	Houde, Matthew	Rodeschin, Beverly
Skinder, Carla			

and the majority committee report was adopted.

Ordered to third reading.

The House recessed at 12:25 p.m.

**RECESS****(Speaker Norelli in the Chair)**

The House reconvened at 1:45 p.m.

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Peterson moved that the House reconsider its action whereby it voted to indefinitely postpone *CACR 18*, relating to funding of public education. Providing that the general court shall define an adequate education, regularly determine the cost thereof, fund not less than fifty percent of the total statewide cost of an adequate education each year and distribute state aid to promote equal opportunity to receive an adequate education.

Reps. Peterson, Daniel Eaton, Bergin and Marjorie Smith spoke against.

Reps. James Garrity and Itse spoke in favor and yielded to questions.

Reps. Vaillancourt, Lynne Ober, Whalley and Stepanek spoke in favor.

Rep. Hess requested a roll call; sufficiently seconded.

**YEAS 154 NAYS 209**

**YEAS 154****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Millham, Alida
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Morrow, Harry	Patten, Betsey
Stevens, Stanley			

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Robertson, Timothy
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**COOS**

King, Frederick	Remick, William	Theberge, Robert	Tholl, John Jr
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**GRAFTON**

Bulis, Lyle	Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul	Pierce, David	Sorg, Gregory	

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Brunelle, Michael
Campbell, David	Christensen, Chris	Christiansen, Lars	Clark, Mark
Clemons, Jane	Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary
Day, Russell	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Goyette, Peter	Graham, John	Haefner, Robert	Hansen, Ryan
Hawkins, Ken	Hinkle, Peyton	Hogan, Edith	Holden, Randolph
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lawrence, James	Leishman, Peter	McRae, Karen
Mooney, Maureen	Moran, Edward	O'Connell, Timothy	Ober, Lynne
Ober, Russell III	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rochette, Eric	Rowe, Robert	Simon, Anthony	Smith, David
Soucy, Connie	Spaulding, Jayne	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Winters, Joel	

**MERRIMACK**

Anderson, Eric	DeJoie, John	DeStefano, Stephen	Hess, David
Humphries, Charlie	Lockwood, Priscilla	MacKay, James	Reed, Dennis
Ryan, Jim			

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Borden, David	Buxton, Donald
Camm, Kevin	Carson, Sharon	Case, Frank	Charron, Gene
Devine, James	DiFruscia, Anthony	Dumaine, Dudley	Elliott, Robert
Emiro, Frank	Fesh, Bob	Flanders, John Sr	Garrity, James
Gleason, John	Griffin, Mary	Guthrie, Joseph	Headd, James
Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Lister, Charlotte	Lund, Howie	Major, Norman
McCarthy, Linda	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Priestley, Anne	Quandt, Matthew	Reagan, John
Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin	Weare, Everett
Welch, David	Weyler, Kenneth	Wickson, Rick	Winchell, George

**STRAFFORD**

Goodwin, Earle	Sprague, Dale	Watson, Robert
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**SULLIVAN**

Ferland, Brenda	Nielsen, Ellen	Rodeschin, Beverly
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**NAYS 209****BELKNAP**

Arsenault, Beth	Morrison, Gail	Reever, Judith	Wood, Jane
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**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia			



**CHESHIRE**

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Parkhurst, Henry  
Sad, Tara

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Richardson, Barbara  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris

**COOS**

Hatch, William

Mears, Edgar

Merrick, Scott

Thomas, Yvonne

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Solomon, Peter

Almy, Susan  
Estes, Carole  
Laliberte, Suzanne  
Mulholland, Catherine  
Williams, Burton

Andersen, Gene  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

Benn, Bernard  
Hammond, Lee  
Matheson, Robert  
Preston, Philip

**HILLSBOROUGH**

Baroody, Benjamin  
Chase, Claudia  
Dokmo, Cynthia  
Fontas, Jeffrey  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Knowles, Mary Ann  
Lisle, Carolyn  
Mesa, Lily  
O'Brien, Michael Sr  
Reuschel, Michael  
Shattuck, Gilman  
Spratt, Stephen

Beaulieu, Jane  
Cote, David  
Edwards, Andrew  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Irwin, Anne-Marie  
Katsiantonis, George  
Kopka, Angeline  
Long, Patrick  
Messier, Irene  
O'Neil, James  
Rosenwald, Cindy  
Shaw, Barbara  
Sullivan, Francis

Beck, Catriona  
Cote, Peter  
Essex, David  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Jean, Claudette  
Kelley, John  
Levasseur, Nickolas  
Mack, Ron  
Movsesian, Lori  
Peterson, Andy  
Scannell, David  
Shaw, Kimberly  
Sysyn, Mary

Bergin, Peter  
Daler, Jennifer  
Farley, Michael  
Garritty, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Johnson, Stephen  
Knowles, John  
Levesque, Melanie  
Marshall, Seth  
Nagle, Maureen  
Pilotte, Maurice  
Schulze, Joan  
Smith, Sandra  
Villeneuve, Maurice

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
Foose, Robert  
Hager, Elizabeth  
McMahon, Patricia  
Potter, Frances  
Tilton, Joy  
Webb, Leigh

Beauchesne, Suzanne  
Brueggemann, Donald  
French, Barbara  
Kelly, Sally  
Osborne, Jessie  
Reardon, Tara  
Tupper, Frank  
Wheeler, Deborah

Blanchard, Elizabeth  
Clarke, Claire  
Gile, Mary  
Kidder, David  
Owen, Derek  
Richardson, Gary  
Wallner, Mary  
Williams, Robert

Bouchard, Candace  
Ehlers, Eileen  
Greco, Vincent  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Day, Judith  
Howard, Doreen  
Marsh, Michael  
Moore, Bennett  
Preston, Mark  
Snow, Richard

Brown, C. Pennington  
Flockhart, Eileen  
Kelley, Jane  
McEachern, Paul  
Nord, Susi  
Quandt, Marshall  
Splaine, James

Cali-Pitts, Jacqueline  
Gould, Kenneth  
Kennedy, James  
McKenna, Daniel  
Pantelakos, Laura  
Robertson, Carl  
Wells, Roger

Casey, Kimberley  
Henson, John  
Kepner, Susan  
Moody, Marcia  
Powers, James  
Russell, Trinka

**STRAFFORD**

Berube, Roger  
Brown, Larry  
DeChane, Marlene

Billian, Deborah  
Browne, Brendon  
Fargo, Thomas

Brennan, William  
Burke, Rachel  
Hilliard, Dana

Brown, Julie  
Cyr, James  
Hofemann, Roland

Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Hutz, Sarah  
Miller, Joseph  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Kaen, Naida  
Oppenheimer, Kay  
Rous, Emma  
Srncic, Robert

Knowles, William  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Phinizy, James  
and the motion failed.

Converse, Larry  
Gottling, Suzanne  
Skinder, Carla

Donovan, Thomas  
Houde, Matthew

Franklin, Peter  
Jillette, Arthur Jr

### MOTION TO PRINT DEBATE

Rep. Vaillancourt moved that the debate relative to *CACR 18*, relating to funding of public education. Providing that the general court shall define an adequate education, regularly determine the cost thereof, fund not less than fifty percent of the total statewide cost of an adequate education each year and distribute state aid to promote equal opportunity to receive an adequate education, be printed in the Permanent Journal.

Rep. Lund requested a roll call; sufficiently seconded.

**YEAS 159 NAYS 204**

### YEAS 159

#### BELKNAP

Allen, Janet  
Nedeau, Stephen  
Tilton, Franklin

Boyce, Laurie  
Pilliod, James  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Millham, Alida  
Thomas, John  
Whalley, Michael

#### CARROLL

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Morrow, Harry

Denley, William  
Patten, Betsey

#### CHESHIRE

Emerson, Susan

Johnson, Jane

Robertson, Timothy

#### COOS

King, Frederick

Remick, William

Tholl, John Jr

#### GRAFTON

Bulis, Lyle  
Ingbretson, Paul

Dingman, Vernon III  
Solomon, Peter

Eaton, Stephanie  
Sorg, Gregory

Gionet, Edmond  
Williams, Burton

#### HILLSBOROUGH

Batula, Peter  
Christiansen, Lars  
Crane, Elenore Casey  
Drisko, Richard  
Gargas, Carolyn  
Graham, John  
Hogan, Edith  
Kurk, Neal  
Levasseur, Nickolas  
Mooney, Maureen  
Peterson, Andy  
Rosenwald, Cindy  
Soucy, Connie  
Tahir, Saghir

Bergeron, Jean-Guy  
Clark, Mark  
Daniels, Gary  
Elliott, Nancy  
Ginsburg, Ruth  
Haefner, Robert  
Holden, Randolph  
L'Heureux, Robert  
Levesque, Melanie  
Moran, Edward  
Price, Pamela  
Rowe, Robert  
Spaulding, Jayne  
Ulery, Jordan

Bergin, Peter  
Cote, David  
Day, Russell  
Emerton, Larry  
Gorman, Mary  
Hansen, Ryan  
Infantine, William  
Lawrence, James  
McRae, Karen  
Ober, Lynne  
Reeves, Sandra  
Shaw, Barbara  
Stepanek, Stephen  
Vaillancourt, Steve

Christensen, Chris  
Coughlin, Pamela  
Dokmo, Cynthia  
Foster, Linda  
Goyette, Peter  
Hinkle, Peyton  
Jasper, Shawn  
Leishman, Peter  
Messier, Irene  
Ober, Russell III  
Renzullo, Andrew  
Smith, David  
Sysyn, Mary  
Villeneuve, Maurice

**MERRIMACK**

Anderson, Eric  
Hess, David  
Reed, Dennis

Bouchard, Candace  
Humphries, Charlie  
Yeaton, Charles

DeJoie, John  
Kelly, Sally

DeStefano, Stephen  
MacKay, James

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Camm, Kevin  
Devine, James  
Emiro, Frank  
Garrity, James  
Hopfgarten, Paul  
Itse, Daniel  
Katsakiores, Phyllis  
McMahon, Charles  
Quandt, Marshall  
Sanders, Elisabeth  
Welch, David  
Winchell, George

Baldasaro, Alfred  
Bishop, Franklin  
Carson, Sharon  
DiFruscia, Anthony  
Fesh, Bob  
Gleason, John  
Hutchinson, Karen  
Johnson, Robert  
Lund, Howie  
Nowe, Ronald  
Quandt, Matthew  
Stiles, Nancy  
Wells, Roger

Bedrick, Jason  
Borden, David  
Case, Frank  
Dumaine, Dudley  
Flanders, John Sr  
Griffin, Mary  
Ingram, Russell  
Kappler, Lawrence  
Major, Norman  
Packard, Sherman  
Reagan, John  
Waterhouse, Kevin  
Weyler, Kenneth

Belanger, Ronald  
Buxton, Donald  
Charron, Gene  
Elliott, Robert  
Flockhart, Eileen  
Headd, James  
Introne, Robert  
Katsakiores, George  
McKinney, Betsy  
Priestley, Anne  
Russell, Trink  
Weare, Everett  
Wickson, Rick

**STRAFFORD**

Perry, Robert

**SULLIVAN**

Cloutier, John

Franklin, Peter

Gottling, Suzanne

Rodeschin, Beverly

**NAYS 204****BELKNAP**

Arsenault, Beth

Morrison, Gail

Reever, Judith

Wood, Jane

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Butynski, William  
Espieffs, Peter  
Mitchell, Bonnie  
Roberts, Kris

Burridge, Delmar  
Chase, William  
Hunt, John  
Parkhurst, Henry  
Sad, Tara

Butcher, Suzanne  
Dunn, J. Timothy  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Weber, Lucy

Butterworth, Timothy  
Eaton, Daniel  
Loll, Thomas  
Richardson, Barbara  
Weed, Charles

**COOS**

Hatch, William  
Thomas, Yvonne

Mears, Edgar

Merrick, Scott

Theberge, Robert

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Preston, Philip

Almy, Susan  
Estes, Carole  
Laliberte, Suzanne  
Mulholland, Catherine

Andersen, Gene  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

Benn, Bernard  
Hammond, Lee  
Matheson, Robert  
Pierce, David

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Cote, Peter  
Farley, Michael  
Hackel, Paul

Barry, Richard  
Campbell, David  
Daler, Jennifer  
Fontas, Jeffrey  
Haley, Robert

Beaulieu, Jane  
Chase, Claudia  
Edwards, Andrew  
Garrity, Patrick  
Hall, Betty

Beck, Catriona  
Clemons, Jane  
Essex, David  
Goley, Jeffrey  
Hammond, Jill

Harvey, Suzanne  
Jean, Claudette  
Kelley, John  
Lasky, Bette  
Marshall, Seth  
O'Brien, Michael Sr  
Reuschel, Michael  
Shattuck, Gilman  
Spratt, Stephen

Hawkins, Ken  
Johnson, Stephen  
Knowles, John  
Lisle, Carolyn  
Mesa, Lily  
O'Connell, Timothy  
Rochette, Eric  
Shaw, Kimberly  
Sullivan, Francis

Hebert, Roger  
Kaelin, Michael  
Knowles, Mary Ann  
Long, Patrick  
Movsesian, Lori  
O'Neil, James  
Scannell, David  
Simon, Anthony  
Winters, Joel

Irwin, Anne-Marie  
Katsiantonis, George  
Kopka, Angeline  
Mack, Ron  
Nagle, Maureen  
Pilotte, Maurice  
Schulze, Joan  
Smith, Sandra

### MERRIMACK

Baxley, Maureen  
Brueggemann, Donald  
Foose, Robert  
Hager, Elizabeth  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary

Beauchesne, Suzanne  
Clarke, Claire  
French, Barbara  
Kidder, David  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Blanchard, Elizabeth  
Davis, Frank  
Gile, Mary  
Kjellman, Eleanor Glynn  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Brown, Carole  
Ehlers, Eileen  
Greco, Vincent  
Lockwood, Priscilla  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

### ROCKINGHAM

Abbott, Dennis  
Day, Judith  
Howard, Doreen  
Lister, Charlotte  
McKenna, Daniel  
Pantelakos, Laura  
Snow, Richard

Brown, C. Pennington  
Gould, Kenneth  
Kelley, Jane  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Splaine, James

Cali-Pitts, Jacqueline  
Guthrie, Joseph  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Preston, Mark

Casey, Kimberley  
Henson, John  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Robertson, Carl

### STRAFFORD

Berube, Roger  
Brown, Larry  
DeChane, Marlene  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

Billian, Deborah  
Browne, Brendon  
Fargo, Thomas  
Hubbard, Pamela  
Mickelsonis, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Brennan, William  
Burke, Rachel  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Brown, Julie  
Cyr, James  
Hilliard, Dana  
Kaen, Naida  
Oppenheimer, Kay  
Schmidt, Peter  
Srncic, Robert

### SULLIVAN

Converse, Larry  
Houde, Matthew  
Skinder, Carla

Donovan, Thomas  
Jillette, Arthur Jr

Ferland, Brenda  
Nielsen, Ellen

Gagnon, Raymond  
Phinizy, James

and the motion failed.

### REGULAR CALENDAR (CONT'D)

**SB 67-FN-A**, relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Larry A. Emerton for Finance: This bill implements the recommendations of the 17 member YDC Master Plan Task Force Committee which did an in-depth study of the entire property. SB 67-FN-A has two major parts: 1) It provides \$200,000 to subdivide two vacant properties on the far northeasterly portion of the 150 acres (-+) site in preparation for them to be placed for sale, to decommission three large buildings for possible future use and demolish and asbestos abate two buildings, the Sanders and East Cottage; 2) it instructs the department to sell two vacant homes (1165 & 1188 N. River Rd.) for no less than their appraised market value of \$420,000; with the proceeds to be deposited in the state general fund. Vote 23-2.

Rep. Emerton yielded to questions.

Committee report adopted and ordered to third reading.

**SB 82-FN**, reorganizing the administration and governance of the regional community-technical college system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth L. Weyler for Finance: This bill continues a long term evolution for what started as a system of trade schools over 60 years ago. In the last ten years, the system has evolved into community technical colleges. This involved the offering of more liberal arts courses and a new type of accreditation. This new accreditation allows greater transferability of course credits to other colleges and universities. This has the consequence of making college more affordable for NH students. The bill allows more independence in the governance of what now will be named the Community College System of New Hampshire, but less than the University System. The Community College System will still be dependent on many state systems, including retirement, and auditing. The committee had concerns that are addressed by the amendment: 1) the concern that technical programs might be deemphasized was allayed by both a statement in the purpose paragraph and the addition of more specific designation of trustees; 2) oversight in the transfer of state employees added 'non-classified' to classified or unclassified was clarified; 3) eminent domain powers were removed from the colleges' authority; 4) a paragraph dealing with a 10% cap for administration spending was judged difficult and costly to apply. It was eliminated. This Community College System and its predecessor have proved dynamic and flexible in meeting both the needs of our state employers, and in providing many options for our state's students. Vote 19-6.

#### **Amendment (1921h)**

Amend RSA 188-F:1 as inserted by section 2 of the bill by replacing it with the following:

188-F:1 Community College System of New Hampshire Established. The community college system of New Hampshire is hereby established and made a body politic and corporate, the main purpose of which shall be to provide a well-coordinated system of public community college education offering, as a primary mission, technical programs to prepare students for technical careers as well as general, professional, and transfer programs, and certificate and short term training programs which serve the needs of the state and the nation. The colleges of the community college system of New Hampshire are authorized to grant and confer in the name of the colleges all such degrees, literary titles, honors, and distinctions as other community colleges may of right do. The community college system of New Hampshire shall include, but is not limited to, colleges in Berlin, Claremont, Concord, Laconia, Manchester, Nashua, and Stratham/Portsmouth.

Amend RSA 188-F:4, II as inserted by section 2 of the bill by replacing it with the following:

II. The following voting members who shall be appointed by the governor with the advice and consent of the council:

- (a) Four members from the fields of business and industry.
- (b) One member who shall be a high school vocational/technical education director.
- (c) One member who shall be an alumnus of one of the colleges within the community college system.
- (d) One member from the field of education.
- (e) One member from the health care profession.
- (f) Two members from the building or mechanical trades who represent labor.
- (g) One member from the community service sector.
- (h) One member from the law enforcement community.
- (i) Four members from the general public.
- (j) Two members who shall be New Hampshire residents and who are full-time students enrolled in one of the colleges within the community college system. The student trustees shall be voted from the colleges within the community college system of New Hampshire locations proceeding in alphabetical order and shall be elected by the student body of the campus responsible for providing the student trustee. The student trustees shall serve a one-year term commencing June 1 of the year for which the student was elected and ending May 31 of the next year. In the event that a student trustee ceases for any reason to attend the school from which the student was elected, the chancellor of the community college system of New Hampshire shall declare a vacancy in that student trustee position, and the next school in order shall elect the student trustee who shall serve for the remainder of the predecessor's term and an additional one-year term immediately thereafter.
- (k) One member representing a technology company.

Amend RSA 188-F:7, III as inserted by section 2 of the bill by replacing it with the following:

III. Service as an employee of the community college system of New Hampshire shall be creditable service for purposes of RSA 100-A, RSA 21-I:29, RSA 21-I:30, RSA 21-I:30-a, RSA 21-I:30-b, and RSA 21-I:30-c. Any community college system of New Hampshire employee who transfers, without a break in service, to a state classified, unclassified, or nonclassified service position shall retain and transfer all leave accruals and seniority and be entitled to all the rights and benefits of a permanent employee in the classified or unclassified service of the state based on the years of creditable state service. At the time of such a transfer, the employee shall immediately begin to accrue annual and sick leave as granted at the time of the transfer by the receiving agency according to the employee's continuous years worked. Any state employee in a classified, unclassified, or nonclassified service position who transfers, without a break in service, to the community college system of New Hampshire shall retain and transfer all leave accruals and seniority and be entitled to all the rights and benefits of a permanent employee in the classified or unclassified service of the state based on the years of creditable state service. At the time of such a transfer, the employee shall immediately begin to accrue annual and sick leave as granted at the time of the transfer by the receiving agency according to the employee's continuous years worked.

Amend RSA 188-F:9, II as inserted by section 2 of the bill by replacing it with the following:

II. All sums so credited are appropriated to community college system of New Hampshire for the support and maintenance thereof, including payments of salaries and wages to employees, current expenses, the construction of additional buildings, the purchase of land, library books, and periodicals, and the making of necessary repairs and replacements, the building of roads and walks, the improvement of the grounds, the construction, extension, and maintenance of water, sewer, and heating systems, and in general for the payment of all such expenses incident to the management of the community college system of New Hampshire as the trustees thereof may from time to time determine.

Amend section 2 of the bill by deleting RSA 188-F:21-a.

Amendment adopted.

Committee report adopted and ordered to third reading.

Rep. Carson declared a conflict of interest on **SB 82-FN** and did not participate.

**SB 93-FN**, relative to insurance coverage for children's early intervention therapy services. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Martha McLeod for the Majority of Finance: The committee found no fiscal impact on the state's general fund from this bill. These services are already covered under the State Employees Health Plan and other major health plans. Early Intervention Services offer significant future savings to both the state and private providers. Vote 16-8.

Rep. Fran Wendelboe for the Minority of Finance: The minority believes that SB 93 puts an unfair mandate on insurance companies that will be passed down onto our citizens and business community. The fiscal note states that there will be an increase of approximately \$200,000 in insurance tax revenue to the state. This increase in tax represents a premium increase on individuals and companies of approximately \$19,000,000 (nineteen million dollars). It has been shown that for every increase in health care premiums there is an offsetting decrease in people who stay insured, either because they drop the coverage or their employers cease providing coverage. Insurance mandates work against encouraging new insurers to our market and increase the cost of coverage. While the majority argues that the state "makes money" on this, the minority believes that we must weigh the consequences to the individuals and businesses bearing the burden of this new mandate and tax increase.

Committee report adopted and ordered to third reading.

Rep. Morrison declared a conflict of interest on **SB 93-FN** and did not participate.

**SB 101**, relative to payment of costs for certain students attending alternative education programs. **OUGHT TO PASS.**

Rep. Linda T. Foster for Finance: This bill provides statewide access to alternate education for high school students at risk of dropping out. Tuition and transportation currently provide state reimbursement to regional vocational centers for 75% of the tuition of students coming from other high schools. It also pays \$.08 per mile to the sending districts for these students. SB 101 makes state tuition and transportation support available to students attending regional alternative education programs in either the vocational centers or an associate high school using the same formulas. This bill will assure that every 16 and 17 year old at risk of dropping out will be able to attend an alterna-

tive program, regardless of the size of their local school and the local opportunities available. It will also allow students in danger of dropping out to attend regional alternative and credit recovery programs, even if they elect not to participate in vocational courses. Whether a student is at risk and whether they will take part in an alternative education program located off site will be determined by the district. Vote 18-7.

Committee report adopted and ordered to third reading.

**(Rep. Foster in the Chair)**

**REGULAR CALENDAR (CONT'D)**

**SB 138-FN-A**, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making appropriations therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Martha McLeod for Finance: The committee amended this bill to correct the date in section 3 of the bill in RSA 171-A:1-d,I(a) to read January 1, 2009, to be consistent with the budget. The language about salary increases for FY09 and parity with workers at NH Hospital was removed. Section 8, the appropriation, was deleted, as the budget contains this funding. Vote 22-3.

**Amendment (1862h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders.

Amend RSA 171-A:1-d, I(a) as inserted by section 3 of the bill by replacing it with the following:

(a) The average salary of direct support staff employed by area agencies or providers with which area agencies contract shall increase by at least 2 percent beginning on July 1, 2007 and at least 2 percent on January 1, 2009.

Amend the bill by deleting section 8 and renumbering the original section 9 to read as 8.

**AMENDED ANALYSIS**

This bill:

I. Requires the department of health and human services to provide services to persons with developmental disabilities and acquired brain disorders within certain time limits.

II. Increases the salaries for certain direct care support staff of area agencies.

III. Establishes a committee to develop a plan to address long-term workforce and related human resource issues and to develop a quality assurance and enhancement plan.

Amendment adopted.

Committee report adopted and ordered to third reading.

**SB 169-FN-A**, establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty and establishing a committee to study the feasibility of establishing a state death benefit for emergency medical technicians killed in the line of duty. **OUGHT TO PASS.**

Rep. Benjamin C. Baroody for Finance: This bill known as "Michael's Law," in honor of Police Officer Michael Briggs who was shot in the line of duty, requires that the state treasurer shall pay a \$100,000 death benefit to the family of a police officer or firefighter killed in the line of duty. It also establishes a committee to study the policies and methods for determining the eligibility for benefits. Vote 17-7.

Committee report adopted and ordered to third reading.

Rep. Patrick Garrity declared a conflict of interest on **SB 169-FN-A** and did not participate.

**SB 176-FN**, relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standards. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry A. Emerton for the Majority of Finance: The policy in this bill came to Finance after an over five hour hearing and considerable work in the House Health and Human Services Committee. Money for the implementation of this bill is in the budget passed by the House. The bill is effective in two parts: 1) the 25 member commission takes effect upon passage; 2) the balance of the bill takes effect on July 01, 2008. The divided purpose of the bill is to allow the commission to suggest any possible changes that remain, after the commission's hearings and in time to be presented to the 2008 legislative session. Vote 16-8.

Rep. Fran Wendelboe for the Minority of Finance: The minority strongly believes in preventing lead poisoning in children. SB 176 goes too far in scope and places too broad of an impact on our older housing pool. The Department of Health and Human Services statistics show that there are 157,000 housing units in NH that pre-date 1950, the date when lead paint was most prevalent and at higher levels as a percentage of paint content. There were significant policies put in place in the last decade and lead paint exposures have been declining for years. The last two years of statistics show 24 and 23 over the 20dcl level (out of 157,000 units). Some of these elevated levels were in primary homes and some were in multi-family housing. This legislation exempts all owner-occupied residences and places the financial impact only on landlords. It appears that a number of the multi-family elevated exposures were in immigrant families. The minority believes this indicates a failure on the part of those agencies assisting with housing to properly inspect the premises for these issues. Also, there is possibly a communication breakdown in that all tenants are given handbooks about lead paint. These cover what to look for (flaking and peeling paint) and how to prevent lead exposure. Another issue is hygiene with immigrant families who move here with different cultures of housekeeping and hand washing - both which greatly impact the potential accumulation of lead dust or exposure from lead dirt from years of cars using leaded gasoline. The minority feels that better education and closer attention to housing for immigrants would take care of many of these issues without creating an over broad impact on rental housing. This legislation, as drafted, could significantly affect the availability and affordability of rental housing in NH.

Majority committee report adopted and ordered to third reading.

Reps. Blanchard and Baroody declared a conflict of interest on **SB 176-FN** and did not participate.

**SB 192-FN**, establishing an outreach program in the children's health insurance program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Martha McLeod for Finance: The committee amended this bill in two places. Section I(d)(2) was a simple wording change from "providing" to "and provide"; Section I(d)(3) was changed to clarify that this enhanced reimbursement is for providing additional follow-up with applicants whose situations are more complex than most and therefore require additional time to accurately document their circumstances. This bill does not permit "double billing." Vote 16-8.

#### **Amendment (1802h)**

Amend RSA 126-A:5, XIV(d)(2)-(3) as inserted by section 1 of the bill by replacing them with the following:

(2) The department shall, through the New Hampshire healthy kids corporation, allocate funds for the development of a volunteer program to promote the program to eligible families and to identify those families who may require assistance with the application or redetermination process, and provide training and supervision of volunteers. The healthy kids corporation shall coordinate with and utilize the services of the governor's office of volunteerism, AmeriCorps, and other volunteer organizations.

(3) The department shall reimburse designated partner agencies, including health and home visiting providers, who had to provide additional follow-up with applicants an enhanced application fee for the outreach assistance to individuals requesting assistance in the application or redetermination process. Such fee shall be equal to twice the regular application fee.

Amendment adopted.

Committee report adopted and ordered to third reading.

**SB 204-FN-A**, relative to collection of debts owed the state. **OUGHT TO PASS.**

Rep. Bernard L. Benn for Finance: This bill allows state agencies and departments to refer to the Attorney General any uncollected debt owed to the state for collection. The bill establishes procedures for agencies to attempt collection prior to referring the case to the Attorney General's office. The bill establishes a non-lapsing debt recovery fund into which all amounts collected shall be deposited. After deducting allowable expenses, a proportion of the debt collected will be returned to the agency accounts for which they were collected and a percentage will be retained in the fund for the purpose of all debt collection. The bill appropriates \$100,000 to the debt recovery fund for the purpose of start-up costs. The committee considers this bill fiscally neutral since it is expected that the appropriation will be offset with equal revenue from debt recovery within the biennium. Vote 23-1.

Committee report adopted and ordered to third reading.



**SB 213-FN-A**, establishing a comprehensive cancer plan fund and making an appropriation therefor, and establishing a comprehensive cancer plan oversight board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John DeJoie for Finance: This bill establishes a comprehensive plan for cancer prevention education and screening for New Hampshire citizens. The House has appropriated \$2 million each year in HB 1 for this program. This bill represents the mechanics to make the program operational. The bill as amended removes the specified dollars, since the funding is in the budget. In place of actual dollars, the amendment includes figures for apportionment of the appropriation. This was done to preserve the effectiveness of the NH Cancer Plan as it was originally developed. Vote 17-8.

#### **Amendment (1962h)**

Amend RSA 126-A:63, II as inserted by section 1 of the bill by replacing it with the following:

II. Strategic contribution fund payments as agreed to in the master settlement agreement shall be deposited into the comprehensive cancer plan fund for the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, and June 30, 2011. No sums shall be deposited into the comprehensive cancer plan fund if such strategic contribution fund payments are not received. The fund shall be expended annually for the following purposes:

- (a) 67.4 percent towards the state tobacco use prevention program which shall be expended by the department for tobacco use prevention and cessation programs as provided in RSA 126K:15.
- (b) 2.5 percent towards diet and exercise programs.
- (c) 5.9 percent towards early detection and screening programs for breast and cervical cancer.
- (d) 17.6 percent towards early detection and screening programs for colorectal cancer.
- (e) 1.2 percent towards survivorship and cancer support for those affected by prostate cancer.
- (f) 2.2 percent to identify and promote treatment and support services for survivors.
- (g) 3.2 percent to minority oversampling data for information on behavioral risk and cancer rates.

On a division vote, 267 members having voted in the affirmative and 77 in the negative, the committee amendment was adopted.

Committee report adopted and ordered to third reading.

Rep. Drisko did not vote and notified the Clerk that he wished to be recorded in favor.

**SB 217-FN-A**, establishing the New Hampshire housing and conservation planning program. **OUGHT TO PASS.**

Rep. Bernard L. Benn for Finance: This bill establishes a housing and conservation planning program in the Office of Energy and Planning. The committee heard testimony that the need for workforce/affordable housing exists in communities throughout New Hampshire. The bill is designed to help communities plan for workforce housing by awarding grants for technical assistance to municipalities to plan for growth and development strategies in 4 specific stages of activities. Each stage requires that municipalities address housing and conservation in an integrated manner. Grants are awarded for one stage at a time; subsequent grants depend on the completion of previous stages. The bill establishes a Housing and Conservation Planning Program Advisory Board. This program received a \$400,000 appropriation to the Office of Energy and Planning for "workforce housing grants" in the Governor's budget proposal and the budget passed by the House. Vote 16-9.

Committee report adopted and ordered to third reading.

Rep. Reardon declared a conflict of interest on **SB 217-FN-A** and did not participate.

**SB 226-FN**, relative to the temporary assistance to needy families (TANF) program. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John DeJoie for the Majority of Finance: The policy of this bill, as approved by the House, allows additional options to TANF recipients to meet work requirements, as adopted under HB 1331, Chapter 325, Laws of 2006. These additional options are currently utilized by other states. While the fiscal note suggests "potential costs," these are not costs of the legislation; these are costs of not complying with federal TANF requirements. Since the House has endorsed the policy changes as being in compliance with federal requirements, these costs are not relevant to the fiscal determination of this bill. Since HHS adopted the costs associated with HB 1331, Chapter 325, Laws of 2006 from within their operating budget, it is the belief of the committee that any costs associated with expanding work options, can also be borne by the department from their operating budget. Vote 16-9.

Rep. Fran Wendelboe for the Minority of Finance: Senate Bill 226 changes the intent of HB 1331, Chapter 325, Laws of 2006, of last session by eliminating/changing some of the work requirements as part of the Deficit Reduction Act. The state is required to meet a 50% work participation rate of welfare clients by October 1st of this year and these requirements/penalties have shown astonishing results. Prior to the enactment by the legislature in 2006, the percentage of welfare clients showing up to their scheduled meetings was only verified at 16%; now it is at 42%. This was verified as of March. This program is obviously working. The minority strongly believes that changing the existing language of HB 1331, Chapter 325, Laws of 2006 just by the decision of some commissioner in the future jeopardizes the state meeting the 50% participation rate and could mean the loss of several million dollars of federal funds. The legislature took a strong policy and financial position last year which has proven to be successful. Why do we want to change a program that shows great results before even letting it work for a full year?

Rep. Kurk requested a roll call; sufficiently seconded.

**YEAS 232 NAYS 116****YEAS 232****BELKNAP**

Arsenault, Beth  
Wood, Jane

Morrison, Gail

Pilliod, James

Reever, Judith

**CARROLL**

Bridgham, Robert  
Cunningham, Howard

Brown, Carolyn  
Heard, Virginia

Buco, Thomas  
Patten, Betsey

Butler, Edward

**CHESHIRE**

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Parkhurst, Henry  
Robertson, Timothy

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Sad, Tara

Butcher, Suzanne  
Dunn, J. Timothy  
Loll, Thomas  
Richardson, Barbara  
Weber, Lucy

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

**COOS**

Hatch, William  
Thomas, Yvonne

Mears, Edgar

Merrick, Scott

Theberge, Robert

**GRAFTON**

Aguiar, James  
Estes, Carole  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Almy, Susan  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

Benn, Bernard  
Gionet, Edmond  
Matheson, Robert  
Pierce, David

Cooney, Mary  
Hammond, Lee  
McLeod, Martha  
Preston, Philip

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Cote, David  
Essex, David  
Ginsburg, Ruth  
Haley, Robert  
Hebert, Roger  
Kaelin, Michael  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
O'Brien, Michael Sr  
Rochette, Eric  
Shattuck, Gilman  
Smith, David  
Sullivan, Francis

Beaulieu, Jane  
Campbell, David  
Cote, Peter  
Fontas, Jeffrey  
Goley, Jeffrey  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Lisle, Carolyn  
Mesa, Lily  
O'Neil, James  
Rosenwald, Cindy  
Shaw, Barbara  
Smith, Sandra  
Winters, Joel

Beck, Catriona  
Chase, Claudia  
Daler, Jennifer  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Movsesian, Lori  
Pilotte, Maurice  
Scannell, David  
Shaw, Kimberly  
Spaulding, Jayne

Bergin, Peter  
Clemons, Jane  
Edwards, Andrew  
Garrity, Patrick  
Hackel, Paul  
Harvey, Suzanne  
Johnson, Stephen  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Nagle, Maureen  
Reuschel, Michael  
Schulze, Joan  
Simon, Anthony  
Spratt, Stephen

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Kelly, Sally  
McMahon, Patricia  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Lockwood, Priscilla  
Owen, Derek  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
MacKay, James  
Porter, Margaret  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Cali-Pitts, Jacqueline  
DiFruscia, Anthony  
Henson, John  
Kelley, Jane  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Russell, Trinka

Borden, David  
Case, Frank  
Flanders, John Sr  
Howard, Doreen  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Preston, Mark  
Snow, Richard

Brown, C. Pennington  
Casey, Kimberley  
Flockhart, Eileen  
Ingram, Russell  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Priestley, Anne  
Splaine, James

Buxton, Donald  
Day, Judith  
Gould, Kenneth  
Johnson, Robert  
Lister, Charlotte  
McKenna, Daniel  
Pantelakos, Laura  
Robertson, Carl

**STRAFFORD**

Berube, Roger  
Brown, Larry  
DeChane, Marlene  
Hofemann, Roland  
Knowles, William  
Perry, Robert  
Schmidt, Peter  
Srncac, Robert  
Watson, Robert

Billian, Deborah  
Browne, Brendon  
Fargo, Thomas  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

Brennan, William  
Burke, Rachel  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Rollo, Michael  
Spang, Judith  
Wall, Janet

Brown, Julie  
Cyr, James  
Hilliard, Dana  
Kaen, Naida  
Oppenheimer, Kay  
Rous, Emma  
Sprague, Dale  
Warren, Nancy

**SULLIVAN**

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizy, James

Ferland, Brenda  
Houde, Matthew  
Skinder, Carla

**NAYS 116****BELKNAP**

Allen, Janet  
Nedeau, Stephen  
Tobin, William

Boyce, Laurie  
Russell, David  
Wendelboe, Fran

Clark, Charles  
Thomas, John  
Whalley, Michael

Millham, Alida  
Tilton, Franklin

**CARROLL**

Ahlgren, Christopher  
Martin, James

Chandler, Gene  
Merrow, Harry

Denley, William  
Stevens, Stanley

Knox, J. David

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

**COOS**

King, Frederick

Remick, William

Toll, John Jr

**GRAFTON**

Bulis, Lyle  
Williams, Burton

Dingman, Vernon III

Ingbretson, Paul

Sorg, Gregory

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Daniels, Gary
Day, Russell	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Emerton, Larry	Goyette, Peter	Graham, John	Haefner, Robert
Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton	Hogan, Edith
Holden, Randolph	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Lawrence, James	McRae, Karen	Mooney, Maureen
Moran, Edward	O'Connell, Timothy	Ober, Lynne	Ober, Russell III
Peterson, Andy	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Soucy, Connie	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	

**MERRIMACK**

Anderson, Eric	Humphries, Charlie	Kidder, David	Reed, Dennis
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**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Belanger, Ronald	Bettencourt, David
Camm, Kevin	Carson, Sharon	Charron, Gene	Devine, James
Dumaine, Dudley	Elliott, Robert	Emiro, Frank	Fesh, Bob
Garrity, James	Gleason, John	Griffin, Mary	Guthrie, Joseph
Headd, James	Hopfgarten, Paul	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Quandt, Marshall	Quandt, Matthew	Reagan, John
Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin	Weare, Everett
Welch, David	Weyler, Kenneth	Winchell, George	

**STRAFFORD**

None

**SULLIVAN**

Rodeschin, Beverly

and the majority committee report was adopted.

Ordered to third reading.

Rep. Bedrick did not vote and notified the Clerk that he wished to be recorded against.

**SB 242-FN**, establishing the intellectual property business loan development program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M. Kurk for Finance: This bill allows the Business Finance Authority (BFA) to add intellectual property loans - loans secured by patents or trade secrets, for example, are just beginning to be made. Allowing the BFA to guarantee these loans may help New Hampshire's business community, especially its high technology sector with its many start-up companies. The bill requires an appraisal of the intellectual property and limits the BFA's guarantee to 75% of the amount that may be borrowed, but not more than \$250,000 per loan. The amendment further reduces the risk to the state by (a) limiting the total dollar amount of such loans to \$1 million and (b) requiring additional bad debt reserves equal to 50% of the guaranteed portion of the loans. The committee notes that the BFA has been guaranteeing loans for many years, has bad debt reserves of over \$6 million and has never had to ask the state to pay a nickel for guaranteed loans which have gone into default. Vote 21-3.

**Amendment (1987h)**

Amend RSA 162-A:13-c as inserted by section 1 of the bill by inserting after paragraph V the following new paragraphs:

VI. The total amount of guarantees awarded under this section shall not exceed in the aggregate at any time \$1,000,000 plus interest.

VII. Whenever a guarantee is awarded under this section, the authority, the borrower, the lending institution or any appropriate combination of them shall deposit in the guarantee fund established under RSA 162-A:11 an amount equal to not less than 50 percent of the guaranteed portion of the principal of the loan.

Amendment adopted.

Committee report adopted and ordered to third reading.

Rep. Baroody declared a conflict of interest on *SB 242-FN* and did not participate.

***SB 27-FN*, relative to the display of the POW-MIA flag. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Rowe for the Majority of Judiciary: Under current law (RSA 3:3-a) the POW-MIA flag is flown above the State House in Concord. This bipartisan amended bill expands the locations where the flag is flown to all state facilities and National Guard armories and other state-owned facilities where the US flag is flown. The flag, which reads "POW-MIA You Are Not Forgotten" is a poignant symbol of the respect and gratitude all New Hampshire citizens owe to those men and women who served in our military and whose fate has not been resolved. We take the phrase as though it were chiseled in New Hampshire granite. Vote 12-4.

Rep. Philip Preston for the Minority of Judiciary: The minority believes that the legislature should not mandate the flying of any flag over courthouses other than the American and the New Hampshire flags because courts should hold no position on issues regardless of how universally or widely supported. It also believes that state facilities should be neutral territories over which no symbolic flags should be allowed or required. The minority supports the efforts of diverse groups to bring closure to those families and individuals whose relatives and friends remain missing as a result of combat operations, but it believes that the legislature should honor the impartiality and neutrality of state functions.

#### **Majority Amendment (1554h)**

Amend RSA 3:3-a as inserted by section 1 of the bill by replacing it with the following:

3:3-a Display of POW-MIA Flag. The POW-MIA flag shall be displayed above the state house in Concord, *all state facilities, and national guard armories and other state-owned military facilities* whenever the flag of the United States is flown until all questions concerning the fate of America's POWs and MIAs are sufficiently resolved.

#### **AMENDED ANALYSIS**

This bill requires the display of the POW-MIA flag above the state house, all state facilities, and national guard armories and other state-owned military facilities whenever the United States flag is flown.

Majority committee amendment adopted.

#### **(Speaker Norelli in the Chair)**

Rep. Philip Preston offered floor amendment (2071h).

#### **Floor Amendment (2071h)**

Amend RSA 3:3-a as inserted by section 1 of the bill by replacing it with the following:

3:3-a Display of POW-MIA Flag.

**I.** The POW-MIA flag shall be displayed above the state house in Concord whenever the flag of the United States is flown until all questions concerning the fate of America's POW's and MIA's are sufficiently resolved.

**II.** *The POW-MIA flag may be displayed above any state-owned facility, except court facilities, with the approval of the department head under whose authority the facility is operated.*

#### **AMENDED ANALYSIS**

The bill permits the display of the POW-MIA flag above any state-owned facility, except court facilities, with the approval of the department head under whose authority the facility is operated.

Rep. Rowe spoke against.

Reps. Bishop and Shurtleff spoke against and yielded to questions.

Reps. Philip Preston, Morrison, Heard and Butterworth spoke in favor.

Rep. Bishop requested a roll call; sufficiently seconded.

**YEAS 131 NAYS 221****YEAS 131****BELKNAP**

Arsenault, Beth  
Reever, Judith

Millham, Alida  
Thomas, John

Morrison, Gail  
Wood, Jane

Nedeau, Stephen

**CARROLL**

Bridgham, Robert  
Denley, William

Brown, Carolyn  
Heard, Virginia

Butler, Edward  
Martin, James

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Espiefs, Peter  
Robertson, Timothy

Burridge, Delmar  
Mitchell, Bonnie  
Sad, Tara

Butcher, Suzanne  
Parkhurst, Henry  
Weed, Charles

Butterworth, Timothy  
Richardson, Barbara

**COOS**

Hatch, William

Thomas, Yvonne

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Lovett, Sid

Almy, Susan  
Dingman, Vernon III  
Mulholland, Catherine

Andersen, Gene  
Friedrich, Carol  
Pierce, David

Bulis, Lyle  
Gionet, Edmond  
Preston, Philip

**HILLSBOROUGH**

Barry, Richard  
Day, Russell  
Hackel, Paul  
Infantine, William  
Levasseur, Nickolas  
Pilotte, Maurice  
Spaulding, Jayne

Beck, Catriona  
Edwards, Andrew  
Hall, Betty  
Jean, Claudette  
Lisle, Carolyn  
Shattuck, Gilman  
Spratt, Stephen

Bergin, Peter  
Fontas, Jeffrey  
Hammond, Jill  
Kurk, Neal  
Mack, Ron  
Shaw, Barbara  
Vaillancourt, Steve

Chase, Claudia  
Goley, Jeffrey  
Holden, Randolph  
L'Heureux, Robert  
Peterson, Andy  
Simon, Anthony  
Winters, Joel

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
Hess, David  
MacKay, James  
Porter, Margaret  
Wheeler, Deborah

Blanchard, Elizabeth  
Clarke, Claire  
Kidder, David  
McMahon, Patricia  
Richardson, Gary  
Williams, Robert

Bouchard, Candace  
Ehlers, Eileen  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Tupper, Frank  
Yeaton, Charles

Brown, Carole  
Hager, Elizabeth  
Lockwood, Priscilla  
Owen, Derek  
Walz, Mary

**ROCKINGHAM**

Borden, David  
Gleason, John  
Katsakiores, George  
McEachern, Paul  
Russell, Trinka  
Wells, Roger

Cali-Pitts, Jacqueline  
Gould, Kenneth  
Katsakiores, Phyllis  
Nord, Susi  
Snow, Richard  
Winchell, George

DiFruscia, Anthony  
Guthrie, Joseph  
Kepner, Susan  
Powers, James  
Splaine, James

Flanders, John Sr  
Ingram, Russell  
Lister, Charlotte  
Robertson, Carl  
Welch, David

**STRAFFORD**

Brown, Larry  
Fargo, Thomas  
Rous, Emma

Browne, Brendon  
Oppenheimer, Kay  
Sprague, Dale

Cyr, James  
Perry, Robert  
Vachon, Dennis

DeChane, Marlene  
Rollo, Deanna  
Watson, Robert

**SULLIVAN**

Ferland, Brenda  
Nielsen, Ellen

Franklin, Peter  
Phinzy, James

Gagnon, Raymond  
Skinder, Carla

Houde, Matthew

### NAYS 221 BELKNAP

Allen, Janet  
Russell, David  
Whalley, Michael

Boyce, Laurie  
Tilton, Franklin

Clark, Charles  
Tobin, William

Pilliod, James  
Wendelboe, Fran

### CARROLL

Ahlgren, Christopher  
Patten, Betsey

Chandler, Gene  
Stevens, Stanley

Knox, J. David

Merrow, Harry

### CHESHIRE

Butynski, William  
Emerson, Susan  
Loll, Thomas

Chase, William  
Hunt, John  
Plifka, Stanley Jr

Dunn, J. Timothy  
Johnson, Jane  
Roberts, Kris

Eaton, Daniel  
Lerandeau, Alfred  
Weber, Lucy

### COOS

King, Frederick  
Theberge, Robert

Mears, Edgar  
Tholl, John Jr

Merrick, Scott

Remick, William

### GRAFTON

Benn, Bernard  
Ingbretson, Paul  
Nordgren, Sharon

Estes, Carole  
Laliberte, Suzanne  
Solomon, Peter

Hammond, Lee  
Matheson, Robert  
Sorg, Gregory

Harding, A Laurie  
McLeod, Martha  
Williams, Burton

### HILLSBOROUGH

Baroody, Benjamin  
Brunelle, Michael  
Clark, Mark  
Coughlin, Pamela  
Drisko, Richard  
Foster, Linda  
Ginsburg, Ruth  
Haefner, Robert  
Hawkins, Ken  
Irwin, Anne-Marie  
Knowles, John  
Lawrence, James  
McRae, Karen  
Movsesian, Lori  
O'Neil, James  
Reeves, Sandra  
Rosenwald, Cindy  
Shaw, Kimberly  
Stepanek, Stephen  
Ulery, Jordan

Batula, Peter  
Campbell, David  
Clemons, Jane  
Daler, Jennifer  
Elliott, Nancy  
Francoeur, Bea  
Gorman, Mary  
Haley, Robert  
Hebert, Roger  
Jasper, Shawn  
Knowles, Mary Ann  
Leishman, Peter  
Mesa, Lily  
Nagle, Maureen  
Ober, Lynne  
Renzullo, Andrew  
Rowe, Robert  
Smith, David  
Sullivan, Francis  
Villeneuve, Maurice

Beaulieu, Jane  
Christensen, Chris  
Cote, David  
Daniels, Gary  
Emerton, Larry  
Gargas, Carolyn  
Goyette, Peter  
Hansen, Ryan  
Hinkle, Peyton  
Johnson, Stephen  
Kopka, Angeline  
Long, Patrick  
Mooney, Maureen  
O'Brien, Michael Sr  
Ober, Russell III  
Reuschel, Michael  
Scannell, David  
Smith, Sandra  
Sysyn, Mary

Bergeron, Jean-Guy  
Christiansen, Lars  
Cote, Peter  
Dokmo, Cynthia  
Essex, David  
Garrity, Patrick  
Graham, John  
Harvey, Suzanne  
Hogan, Edith  
Kaelin, Michael  
Lasky, Bette  
Marshall, Seth  
Moran, Edward  
O'Connell, Timothy  
Price, Pamela  
Rochette, Eric  
Schulze, Joan  
Soucy, Connie  
Tahir, Saghir

### MERRIMACK

Anderson, Eric  
DeStefano, Stephen  
Greco, Vincent  
Reed, Dennis  
Wallner, Mary

Beauchesne, Suzanne  
Foose, Robert  
Humphries, Charlie  
Ryan, Jim  
Webb, Leigh

Davis, Frank  
French, Barbara  
Kelly, Sally  
Shurtleff, Stephen

DeJoie, John  
Gile, Mary  
Reardon, Tara  
Tilton, Joy

### ROCKINGHAM

Abbott, Dennis  
Belanger, Ronald  
Buxton, Donald

Allen, Mary  
Bettencourt, David  
Camm, Kevin

Baldasaro, Alfred  
Bishop, Franklin  
Carson, Sharon

Bedrick, Jason  
Brown, C. Pennington  
Case, Frank

Casey, Kimberley  
Dumaine, Dudley  
Flockhart, Eileen  
Henson, John  
Itse, Daniel  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Preston, Mark  
Reagan, John  
Weare, Everett

Charron, Gene  
Elliott, Robert  
Garrity, James  
Hopfgarten, Paul  
Johnson, Robert  
Lund, Howie  
McKenna, Daniel  
Nowe, Ronald  
Priestley, Anne  
Sanders, Elisabeth  
Weyler, Kenneth

Day, Judith  
Emiro, Frank  
Griffin, Mary  
Howard, Doreen  
Kappler, Lawrence  
Major, Norman  
McMahon, Charles  
Packard, Sherman  
Quandt, Marshall  
Stiles, Nancy

Devine, James  
Fesh, Bob  
Headd, James  
Introne, Robert  
Kelley, Jane  
Marsh, Michael  
Moody, Marcia  
Pantelakos, Laura  
Quandt, Matthew  
Waterhouse, Kevin

### STRAFFORD

Berube, Roger  
Burke, Rachel  
Hubbard, Pamela  
Mickelonis, Shawn  
Smith, Marjorie

Billian, Deborah  
Goodwin, Earle  
Hutz, Sarah  
Miller, Joseph  
Srnc, Robert

Brennan, William  
Hilliard, Dana  
Kaen, Naida  
Rollo, Michael  
Wall, Janet

Brown, Julie  
Hofemann, Roland  
Knowles, William  
Schmidt, Peter  
Warren, Nancy

### SULLIVAN

Cloutier, John  
Jillette, Arthur Jr

Converse, Larry  
Rodeschin, Beverly

Donovan, Thomas

Gottling, Suzanne

and floor amendment (2071h) failed.

Majority committee report adopted and ordered to third reading.

### MOTION TO PRINT DEBATE

Rep. Baldasaro moved that the debate relative to **SB 27-FN**, relative to the display of the POW-MIA flag, be printed in the Permanent Journal.

Rep. Bedrick requested a roll call; sufficiently seconded.

### YEAS 139 NAYS 212

#### YEAS 139

#### BELKNAP

Boyce, Laurie  
Tilton, Franklin

Clark, Charles  
Tobin, William

Morrison, Gail  
Wendelboe, Fran

Pilliod, James  
Whalley, Michael

#### CARROLL

Ahlgren, Christopher  
Stevens, Stanley

Chandler, Gene

Martin, James

Morrow, Harry

#### CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Loll, Thomas

#### COOS

King, Frederick

Remick, William

#### GRAFTON

Bulis, Lyle  
Ingbretson, Paul

Dingman, Vernon III  
Solomon, Peter

Gionet, Edmond  
Sorg, Gregory

Hammond, Lee

### HILLSBOROUGH

Barry, Richard  
Campbell, David  
Coughlin, Pamela  
Drisko, Richard  
Gargas, Carolyn  
Haley, Robert

Batula, Peter  
Christiansen, Lars  
Daniels, Gary  
Elliott, Nancy  
Ginsburg, Ruth  
Hansen, Ryan

Bergeron, Jean-Guy  
Clark, Mark  
Day, Russell  
Emerton, Larry  
Goyette, Peter  
Hinkle, Peyton

Bergin, Peter  
Clemons, Jane  
Dokmo, Cynthia  
Essex, David  
Haefner, Robert  
Hogan, Edith



Infantine, William  
L'Heureux, Robert  
McRae, Karen  
Ober, Lynne  
Renzullo, Andrew  
Soucy, Connie

Jasper, Shawn  
Lasky, Bette  
Mooney, Maureen  
Ober, Russell III  
Rochette, Eric  
Spratt, Stephen

Knowles, John  
Lawrence, James  
O'Connell, Timothy  
Price, Pamela  
Rowe, Robert  
Stepanek, Stephen

Knowles, Mary Ann  
Leishman, Peter  
O'Neil, James  
Reeves, Sandra  
Smith, David  
Ulery, Jordan

### **MERRIMACK**

Anderson, Eric  
Hess, David  
Owen, Derek

Bouchard, Candace  
Humphries, Charlie  
Reardon, Tara

DeJoie, John  
Kelly, Sally  
Reed, Dennis

Foose, Robert  
McMahon, Patricia  
Ryan, Jim

### **ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Camm, Kevin  
Devine, James  
Emiro, Frank  
Gleason, John  
Hopfgarten, Paul  
Kappler, Lawrence  
Major, Norman  
Priestley, Anne  
Robertson, Carl  
Weare, Everett

Baldasaro, Alfred  
Bishop, Franklin  
Carson, Sharon  
DiFruscia, Anthony  
Fesh, Bob  
Griffin, Mary  
Ingram, Russell  
Katsakiores, George  
McMahon, Charles  
Quandt, Marshall  
Sanders, Elisabeth  
Wells, Roger

Bedrick, Jason  
Brown, C. Pennington  
Case, Frank  
Dumaine, Dudley  
Flanders, John Sr  
Guthrie, Joseph  
Introne, Robert  
Katsakiores, Phyllis  
Nowe, Ronald  
Quandt, Matthew  
Stiles, Nancy  
Weyler, Kenneth

Belanger, Ronald  
Buxton, Donald  
Charron, Gene  
Elliott, Robert  
Garrry, James  
Headd, James  
Itse, Daniel  
Lund, Howie  
Packard, Sherman  
Reagan, John  
Waterhouse, Kevin  
Winchell, George

### **STRAFFORD**

Berube, Roger

Perry, Robert

Rollo, Michael

Sprague, Dale

### **SULLIVAN**

Rodeschin, Beverly

### **NAYS 212**

### **BELKNAP**

Allen, Janet  
Reever, Judith

Arsenault, Beth  
Russell, David

Millham, Alida  
Thomas, John

Nedeau, Stephen  
Wood, Jane

### **CARROLL**

Bridgham, Robert  
Cunningham, Howard  
Patten, Betsey

Brown, Carolyn  
Denley, William

Buco, Thomas  
Heard, Virginia

Butler, Edward  
Knox, J. David

### **CHESHIRE**

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Plifka, Stanley Jr  
Sad, Tara

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Robertson, Timothy

### **COOS**

Hatch, William  
Tholl, John Jr

Mears, Edgar  
Thomas, Yvonne

Merrick, Scott

Theberge, Robert

### **GRAFTON**

Aguiar, James  
Cooney, Mary  
Laliberte, Suzanne  
Mulholland, Catherine  
Williams, Burton

Almy, Susan  
Estes, Carole  
Lovett, Sid  
Nordgren, Sharon

Andersen, Gene  
Friedrich, Carol  
Matheson, Robert  
Pierce, David

Benn, Bernard  
Harding, A Laurie  
McLeod, Martha  
Preston, Philip

**HILLSBOROUGH**

Baroody, Benjamin  
 Chase, Claudia  
 Daler, Jennifer  
 Garrity, Patrick  
 Hackel, Paul  
 Hawkins, Ken  
 Jean, Claudette  
 Kopka, Angeline  
 Long, Patrick  
 Moran, Edward  
 Peterson, Andy  
 Scannell, David  
 Shaw, Kimberly  
 Sullivan, Francis  
 Villeneuve, Maurice

Beaulieu, Jane  
 Christensen, Chris  
 Edwards, Andrew  
 Goley, Jeffrey  
 Hall, Betty  
 Hebert, Roger  
 Johnson, Stephen  
 Kurk, Neal  
 Mack, Ron  
 Movsesian, Lori  
 Pilotte, Maurice  
 Schulze, Joan  
 Simon, Anthony  
 Sysyn, Mary  
 Winters, Joel

Beck, Catriona  
 Cote, David  
 Fontas, Jeffrey  
 Gorman, Mary  
 Hammond, Jill  
 Holden, Randolph  
 Kaelin, Michael  
 Levasseur, Nickolas  
 Marshall, Seth  
 Nagle, Maureen  
 Reuschel, Michael  
 Shattuck, Gilman  
 Smith, Sandra  
 Tahir, Saghir

Brunelle, Michael  
 Cote, Peter  
 Foster, Linda  
 Graham, John  
 Harvey, Suzanne  
 Irwin, Anne-Marie  
 Kelley, John  
 Lisle, Carolyn  
 Mesa, Lily  
 O'Brien, Michael Sr  
 Rosenwald, Cindy  
 Shaw, Barbara  
 Spaulding, Jayne  
 Vaillancourt, Steve

**MERRIMACK**

Baxley, Maureen  
 Brueggemann, Donald  
 Ehlers, Eileen  
 Hager, Elizabeth  
 MacKay, James  
 Shurtleff, Stephen  
 Walz, Mary  
 Yeaton, Charles

Beauchesne, Suzanne  
 Clarke, Claire  
 French, Barbara  
 Kidder, David  
 Osborne, Jessie  
 Tilton, Joy  
 Webb, Leigh

Blanchard, Elizabeth  
 Davis, Frank  
 Gile, Mary  
 Kjellman, Eleanor Glynn  
 Porter, Margaret  
 Tupper, Frank  
 Wheeler, Deborah

Brown, Carole  
 DeStefano, Stephen  
 Greco, Vincent  
 Lockwood, Priscilla  
 Richardson, Gary  
 Wallner, Mary  
 Williams, Robert

**ROCKINGHAM**

Abbott, Dennis  
 Day, Judith  
 Howard, Doreen  
 Kepner, Susan  
 McEachern, Paul  
 Nord, Susi  
 Russell, Trinka

Borden, David  
 Flockhart, Eileen  
 Johnson, Robert  
 Lister, Charlotte  
 McKenna, Daniel  
 Pantelakos, Laura  
 Snow, Richard

Cali-Pitts, Jacqueline  
 Gould, Kenneth  
 Kelley, Jane  
 Marsh, Michael  
 Moody, Marcia  
 Powers, James  
 Splaine, James

Casey, Kimberley  
 Henson, John  
 Kennedy, James  
 McCarthy, Linda  
 Moore, Bennett  
 Preston, Mark  
 Welch, David

**STRAFFORD**

Billian, Deborah  
 Browne, Brendon  
 Fargo, Thomas  
 Hubbard, Pamela  
 Mickelonis, Shawn  
 Rous, Emma  
 Vachon, Dennis

Brennan, William  
 Burke, Rachel  
 Goodwin, Earle  
 Hutz, Sarah  
 Miller, Joseph  
 Schmidt, Peter  
 Wall, Janet

Brown, Julie  
 Cyr, James  
 Hilliard, Dana  
 Kaen, Naida  
 Oppenheimer, Kay  
 Smith, Marjorie  
 Watson, Robert

Brown, Larry  
 DeChane, Marlene  
 Hofemann, Roland  
 Knowles, William  
 Rollo, Deanna  
 Srnec, Robert

**SULLIVAN**

Cloutier, John  
 Franklin, Peter  
 Jillette, Arthur Jr

Converse, Larry  
 Gagnon, Raymond  
 Nielsen, Ellen

Donovan, Thomas  
 Gottling, Suzanne  
 Skinder, Carla

Ferland, Brenda  
 Houde, Matthew

and the motion failed.

**MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Jasper moved that the House reconsider its action whereby it adopted the majority committee report of Ought to Pass with Amendment on **SB 98**, relative to party access to voter information.

Rep. Weed spoke against.

Rep. Kurk spoke in favor.

On a division vote, 139 members having voted in the affirmative and 195 in the negative, the motion failed.

**REGULAR CALENDAR (CONT'D)**

**SB 88**, relative to public employee terms of employment, bargaining units, and dispute resolution. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John K. Knowles for the Majority of Labor, Industrial and Rehabilitative Services: This bill does three things to increase balance in the public bargaining process: (1) allows, but does not require, safety issues to be brought up in negotiations; (2) makes collective bargaining more widely available by reducing the number of employees necessary to form a bargaining unit; and (3) for future agreements only (so there is no "28-A" issue), makes clear that agreed pay plans ("step increases") will continue in force in the event of bargaining impasse. In response to employer input, several provisions were changed by the committee: (1) retained "number of employees" as a management prerogative; (2) increased the minimum number of members for a bargaining unit from the federal standard of three to a compromise number of five; and (3) eliminated retroactivity for the "evergreen" provision. The committee majority feels this is a balanced approach to a fair bargaining process. Vote 10-7.

Rep. William J. Infantine for the Minority of Labor, Industrial and Rehabilitative Services: This bill makes three major changes to RSA 273-A dealing with contracts between bargaining units and municipalities. The minority is concerned with all three changes, however there are two that report the balance between how bargaining units and municipalities negotiate salaries and benefits. The bill reduces the number of employees needed to form a bargaining unit from ten down to five. The minority believes this will greatly increase the costs to municipalities and create large numbers of smaller bargaining units. There was no testimony that indicated that there were a significant number of groups that wanted this number decreased. Rather they wanted municipalities to have the ability to recognize smaller groups, an ability they currently do not have. Some members also argue this may be an unfunded mandate in violation of Section 28-A of the New Hampshire Constitution. This bill was opposed by all municipalities that testified before the committee as well as the municipal association.

**Majority Amendment (1947h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions. Amend RSA 273-A:1, XI to read as follows:

XI. "Terms and conditions of employment" means wages, hours, and other conditions of employment, *including matters directly related to safety considerations*, other than managerial policy within the exclusive prerogative of the public employer, or confided exclusively to the public employer by statute or regulations adopted pursuant to statute. ~~[The phrase "managerial policy within the exclusive prerogative of the public employer" shall be construed to include but shall not be limited to the functions, programs and methods of the public employer, including the use of technology, the public employer's organizational structure, and the selection, direction of its personnel, so as to continue public control of governmental functions.]~~

2 New Paragraph; Definitions. Amend RSA 273-A:1, by inserting after paragraph VII the following new paragraph:

VII-a. Managerial policy within the exclusive prerogative of the public employer" shall be construed to include but shall not be limited to the functions, programs and methods of the public employer, including the use of technology, the public employer's organizational structure, and the selection, direction and number of its personnel, so as to continue public control of governmental functions.

3 Determining Bargaining Unit. Amend RSA 273-A:8, I to read as follows:

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

- (a) Employees with the same conditions of employment;
- (b) Employees with a history of workable and acceptable collective negotiations;
- (c) Employees in the same historic craft or profession;
- (d) Employees functioning within the same organizational unit.

In no case shall the board certify a bargaining unit of less than ~~[+0]~~ 5 employees with the same community of interest. ~~[For purposes of this section, probationary employees shall be counted to~~

satisfy the 10 employee minimum requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.]

4 New Paragraph; Resolution of Disputes. Amend RSA 273-A:12 by inserting after paragraph VI the following new paragraph:

VII. If the impasse is not resolved at the time of the expiration of the parties' agreement, the terms of the collective bargaining agreement shall continue in force and effect, including but not limited to the continuation of any pay plan included in the agreement, until a new agreement shall be executed.

5 Applicability. Section 4 of this act shall apply only to contracts ratified on or after the effective date of this act.

6 Effective Date. This act shall take effect 60 days after its passage.

On a division vote, 218 members having voted in the affirmative and 84 in the negative, the majority committee amendment was adopted.

Rep. Bedrick offered floor amendment (2045h).

#### Floor Amendment (2045h)

Amend RSA 273-A:8, I as inserted by section 2 of the bill by replacing it with the following:

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

- (a) Employees with the same conditions of employment;
- (b) Employees with a history of workable and acceptable collective negotiations;
- (c) Employees in the same historic craft or profession;
- (d) Employees functioning within the same organizational unit.

*A municipality may recognize a union with 3-10 members, but* in no case shall ~~[the board] it be required to~~ certify a bargaining unit of less than 10 employees with the same community of interest. ~~[For purposes of this section, probationary employees shall be counted to satisfy the 10 employee minimum requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.]~~

#### AMENDED ANALYSIS

This bill:

I. Adds safety considerations to terms and conditions of employment.

II. Removes probationary employees from the determination of a bargaining unit.

III. Continues the terms of a collective bargaining agreement until a new agreement is executed.

Rep. Bedrick spoke in favor.

Rep. Mears spoke against.

On a division vote, 144 members having voted in the affirmative and 192 in the negative, floor amendment (2045h) failed.

Rep. Infantine offered floor amendment (2043h).

#### Floor Amendment (2043h)

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions. Amend RSA 273-A:1, XI to read as follows:

XI. "Terms and conditions of employment" means wages, hours, and other conditions of employment, *including matters directly related to safety considerations*, other than managerial policy within the exclusive prerogative of the public employer, or confided exclusively to the public employer by statute or regulations adopted pursuant to statute. ~~[The phrase "managerial policy within the exclusive prerogative of the public employer" shall be construed to include but shall not be limited to the functions, programs and methods of the public employer, including the use of technology, the public employer's organizational structure, and the selection, direction of its personnel, so as to continue public control of governmental functions.]~~

2 New Paragraph; Definitions. Amend RSA 273-A:1, by inserting after paragraph VII the following new paragraph:

VII-a. "Managerial policy within the exclusive prerogative of the public employer" shall be construed to include but shall not be limited to the functions, programs and methods of the public employer, including the use of technology, the public employer's organizational structure, and the selection, direction and number of its personnel, so as to continue public control of governmental functions.

3 Determining Bargaining Unit. Amend RSA 273-A:8, I to read as follows:

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

- (a) Employees with the same conditions of employment;
- (b) Employees with a history of workable and acceptable collective negotiations;
- (c) Employees in the same historic craft or profession;
- (d) Employees functioning within the same organizational unit.

In no case shall the board certify a bargaining unit of less than ~~[+0]~~ 5 employees with the same community of interest. ~~[For purposes of this section, probationary employees shall be counted to satisfy the 10 employee minimum requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.]~~

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

I. Adds safety consideration to terms and conditions of employment.

II. Defines "managerial policy within the exclusive prerogative of the public employer."

III. Reduces the number of employees required for certifications a bargaining unit.

Rep. Infantine spoke in favor.

Rep. Mears spoke against.

Rep. Infantine requested a roll call; sufficiently seconded.

#### YEAS 143 NAYS 197

##### YEAS 143

##### BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Millham, Alida
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Tilton, Franklin	Wendelboe, Fran	Whalley, Michael	

##### CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Morrow, Harry	Patten, Betsey
Stevens, Stanley			

##### CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Lerandeau, Alfred
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##### COOS

Hatch, William	King, Frederick	Remick, William	Tholl, John Jr
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##### GRAFTON

Bulis, Lyle	Dingman, Vernon III	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul	Sorg, Gregory	Williams, Burton	

##### HILLSBOROUGH

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Daler, Jennifer	Daniels, Gary	Day, Russell	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Emerton, Larry	Essex, David

Gargasz, Carolyn  
Hall, Betty  
Hogan, Edith  
L'Heureux, Robert  
O'Connell, Timothy  
Price, Pamela  
Shaw, Barbara  
Tahir, Saghir

Goyette, Peter  
Hammond, Jill  
Infantine, William  
McRae, Karen  
Ober, Lynne  
Reeves, Sandra  
Soucy, Connie  
Ulery, Jordan

Graham, John  
Hansen, Ryan  
Jasper, Shawn  
Mooney, Maureen  
Ober, Russell III  
Renzullo, Andrew  
Spaulding, Jayne  
Vaillancourt, Steve

Haefner, Robert  
Hawkins, Ken  
Kurk, Neal  
Moran, Edward  
Peterson, Andy  
Rowe, Robert  
Stepanek, Stephen  
Villeneuve, Maurice

### MERRIMACK

Anderson, Eric  
Humphries, Charlie  
Reed, Dennis

Beauchesne, Suzanne  
Lockwood, Priscilla  
Webb, Leigh

Hager, Elizabeth  
MacKay, James

Hess, David  
Porter, Margaret

### ROCKINGHAM

Allen, Mary  
Borden, David  
Carson, Sharon  
Elliott, Robert  
Flockhart, Eileen  
Griffin, Mary  
Hutchinson, Karen  
Kappler, Lawrence  
Major, Norman  
Moore, Bennett  
Reagan, John  
Welch, David

Baldasaro, Alfred  
Buxton, Donald  
Devine, James  
Emiro, Frank  
Garrity, James  
Guthrie, Joseph  
Ingram, Russell  
Katsakiores, George  
Marsh, Michael  
Nowe, Ronald  
Russell, Trinka  
Weyler, Kenneth

Bedrick, Jason  
Cali-Pitts, Jacqueline  
DiFrancia, Anthony  
Fesh, Bob  
Gleason, John  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
McEachern, Paul  
Packard, Sherman  
Sanders, Elisabeth

Bettencourt, David  
Camm, Kevin  
Dumaine, Dudley  
Flanders, John Sr  
Gould, Kenneth  
Hopfgarten, Paul  
Itse, Daniel  
Lund, Howie  
McMahon, Charles  
Priestley, Anne  
Stiles, Nancy

### STRAFFORD

Browne, Brendon

Fargo, Thomas

Knowles, William

### SULLIVAN

Rodeschin, Beverly

### NAYS 197

### BELKNAP

Morrison, Gail

Wood, Jane

### CARROLL

Bridgman, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

### CHESHIRE

Allen, Peter  
Butynski, William  
Espieles, Peter  
Plifka, Stanley Jr  
Weber, Lucy

Burrige, Delmar  
Chase, William  
Loll, Thomas  
Richardson, Barbara  
Weed, Charles

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Robertson, Timothy

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Sad, Tara

### COOS

Mears, Edgar

Merrick, Scott

Thomas, Yvonne

### GRAFTON

Aguiar, James  
Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Almy, Susan  
Estes, Carole  
Laliberte, Suzanne  
Nordgren, Sharon

Andersen, Gene  
Friedrich, Carol  
Lovett, Sid  
Pierce, David

Benn, Bernard  
Hammond, Lee  
Matheson, Robert  
Preston, Philip

**HILLSBOROUGH**

Baroodi, Benjamin  
 Clemons, Jane  
 Fontas, Jeffrey  
 Gorman, Mary  
 Hebert, Roger  
 Jean, Claudette  
 Knowles, John  
 Leishman, Peter  
 Mack, Ron  
 Nagle, Maureen  
 Reuschel, Michael  
 Schulze, Joan  
 Smith, David  
 Sysyn, Mary

Beaulieu, Jane  
 Cote, David  
 Foster, Linda  
 Hackel, Paul  
 Hinkle, Peyton  
 Johnson, Stephen  
 Knowles, Mary Ann  
 Levasseur, Nickolas  
 Marshall, Seth  
 O'Brien, Michael Sr  
 Rochette, Eric  
 Shattuck, Gilman  
 Smith, Sandra  
 Winters, Joel

Brunelle, Michael  
 Cote, Peter  
 Garrity, Patrick  
 Haley, Robert  
 Holden, Randolph  
 Kaelin, Michael  
 Kopka, Angeline  
 Lisle, Carolyn  
 Mesa, Lily  
 O'Neil, James  
 Rosenwald, Cindy  
 Shaw, Kimberly  
 Spratt, Stephen

Campbell, David  
 Edwards, Andrew  
 Goley, Jeffrey  
 Harvey, Suzanne  
 Irwin, Anne-Marie  
 Kelley, John  
 Lasky, Bette  
 Long, Patrick  
 Movsesian, Lori  
 Pilotte, Maurice  
 Scannell, David  
 Simon, Anthony  
 Sullivan, Francis

**MERRIMACK**

Baxley, Maureen  
 Clarke, Claire  
 Ehlers, Eileen  
 Greco, Vincent  
 McMahon, Patricia  
 Shurtleff, Stephen  
 Walz, Mary

Blanchard, Elizabeth  
 Davis, Frank  
 Foose, Robert  
 Kelly, Sally  
 Osborne, Jessie  
 Tilton, Joy  
 Wheeler, Deborah

Brown, Carole  
 DeJoie, John  
 French, Barbara  
 Kidder, David  
 Richardson, Gary  
 Tupper, Frank  
 Williams, Robert

Brueggemann, Donald  
 DeStefano, Stephen  
 Gile, Mary  
 Kjellman, Eleanor Glynn  
 Ryan, Jim  
 Wallner, Mary  
 Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
 Case, Frank  
 Henson, John  
 Kepner, Susan  
 Moody, Marcia  
 Preston, Mark  
 Snow, Richard  
 Winchell, George

Belanger, Ronald  
 Casey, Kimberley  
 Howard, Doreen  
 Lister, Charlotte  
 Nord, Susi  
 Quandt, Marshall  
 Splaine, James

Bishop, Franklin  
 Charron, Gene  
 Kelley, Jane  
 McCarthy, Linda  
 Pantelakos, Laura  
 Quandt, Matthew  
 Weare, Everett

Brown, C. Pennington  
 Day, Judith  
 Kennedy, James  
 McKenna, Daniel  
 Powers, James  
 Robertson, Carl  
 Wells, Roger

**STRAFFORD**

Berube, Roger  
 Brown, Larry  
 Domingo, Baldwin  
 Hubbard, Pamela  
 Oppenheimer, Kay  
 Rous, Emma  
 Srncac, Robert  
 Watson, Robert

Billian, Deborah  
 Burke, Rachel  
 Goodwin, Earle  
 Hutz, Sarah  
 Perry, Robert  
 Schmidt, Peter  
 Vachon, Dennis

Brennan, William  
 Cyr, James  
 Hilliard, Dana  
 Mickelonis, Shawn  
 Rollo, Deanna  
 Smith, Marjorie  
 Wall, Janet

Brown, Julie  
 DeChane, Marlene  
 Hofemann, Roland  
 Miller, Joseph  
 Rollo, Michael  
 Spang, Judith  
 Warren, Nancy

**SULLIVAN**

Cloutier, John  
 Franklin, Peter  
 Jillette, Arthur Jr  
 and floor amendment (2043h) failed.

Converse, Larry  
 Gagnon, Raymond  
 Nielsen, Ellen

Donovan, Thomas  
 Gottling, Suzanne  
 Phinizz, James

Ferland, Brenda  
 Houde, Matthew  
 Skinder, Carla

**LAID ON THE TABLE**

Rep. Rodeschin moved that **SB 88**, relative to public employee terms of employment, bargaining units, and dispute resolution, be laid on the table.

On a division vote, 184 members having voted in the affirmative and 156 in the negative, the motion was adopted.

**REGULAR CALENDAR (CONT'D)**

**SB 92**, relative to the definition of employee and clarifying the criteria for exempting workers from employee status. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sally H. Kelly for Labor, Industrial and Rehabilitative Services: A version of this bill passed in the full House last session. This amendment, which has the approval of the prime sponsor, adds the purpose statement "...the need to protect employees from being improperly classified as independent contractors and thereby being denied worker's compensation and certain other benefits." The bill as amended addresses the concerns of labor, business and the Department of Labor. This bill strengthens and clarifies the definitions of "employees" and "sub-contractors" and will go a long way in creating a level playing field for the workers of New Hampshire. Vote 14-3.

**Amendment (1806h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of Employee. Purpose Statement. The general court recognizes the need to protect employees from being improperly classified as independent contractors and thereby being denied workers' compensation coverage and certain other benefits. Therefore, it is the intent of the general court to define "employee" in a manner that clarifies the criteria for the classification.

2 Procuring Employment; Imposition of Conditions; Definition of Employee Changed. RSA 275:4, II is repealed and reenacted to read as follows:

II. In this subdivision, "employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(i) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.

(j) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(l) The person is not required to work exclusively for the employer.

3 Payment of Wages; Definition of Employee Changed. RSA 275:42, II is repealed and reenacted to read as follows:

II. "Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employ-



ment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(i) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.

(j) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(l) The person is not required to work exclusively for the employer.

4 Whistleblowers' Protection Act; Definition of Employee Changed. RSA 275-E:1, I is repealed and reenacted to read as follows:

I. "Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(i) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.

(j) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(l) The person is not required to work exclusively for the employer.

5 Minimum Wage Law; Definition of Employee Changed. RSA 279:1, X is repealed and reenacted to read as follows:

X. "Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(i) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.

(j) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(l) The person is not required to work exclusively for the employer.

6 Workers' Compensation; Definition of Employee Changed. RSA 281-A:2, VI(b)(1) is repealed and reenacted to read as follows:

(b)(1) Subject to the preceding subparagraph, any person, other than a direct seller or qualified real estate broker or agent or real estate appraiser, or person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, who performs services for pay for an employer, is presumed to be an employee. This presumption may be rebutted by proof that an individual meets all of the following criteria:

(A) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(B) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer.

(C) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(D) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(E) The person holds himself or herself out to be in business for himself or herself.

(F) The person has continuing or recurring business liabilities or obligations.

(G) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(H) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(I) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.

(J) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(K) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(L) The person is not required to work exclusively for the employer.

7 Workers' Compensation; Definition of Direct Seller. Amend RSA 281-A:2, VI(b)(3)(B) to read as follows:

(B) Who receives substantially all remuneration as such in a direct relationship to sales or other output including the performance of services, rather than the number of hours worked and whose services are performed pursuant to a written contract with the person for whom the services are performed, which provides that the individual will not be treated as an employee for federal tax purposes. ***For purposes of this subparagraph a mortgage originator as defined by RSA 397-A:1, XVII who meets the conditions of this subparagraph shall be deemed a direct seller.***

8 Definition. Amend RSA 281-A:2, VII(b) to read as follows:

(b) "Employee," with respect to public employment shall not include any inmate of a county or state correctional facility who is, under RSA 651, required or allowed to work or perform services for which no significant remuneration is provided, any volunteer not covered under RSA 281-A:2, VII(a)(2) through (5), who performs services for which no significant remuneration is provided, or any participant performing community service work under a court order or the provisions of a court diversion program, ***or any person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities.*** "Employee," with respect to public employment, shall include any person participating in a local welfare work program established under RSA 165:31; however, the local governing body may vote to make the provisions of this chapter not applicable to local welfare work program participants through guidelines adopted under RSA 165:1, II.

9 Workers' Compensation; Definition of Employee; Reference Changed. RSA 281-A:2, VI(c) is repealed and reenacted to read as follows:

(c) Prima facie evidence that the criteria prescribed in subparagraphs (b)(1)(A)-~~(E)~~(L) have been met may be established by a written agreement signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with each of the criteria. Nothing in this subparagraph shall require such an agreement to establish that the criteria have been met. If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500; in addition, such employer shall be assessed a civil penalty of \$100 per employee for each day of noncompliance. The fines shall be

assessed from the first day of the infraction but not to exceed one year. The chief executive officer, chief financial officer, and members of limited liability companies shall be held personally liable for payments of fines. All funds collected under this subparagraph shall be continually appropriated and deposited into a nonlapsing workers' compensation fraud fund dedicated to the investigation and compliance activities required by this section and related sections pertaining to labor and insurance law. The commissioner of labor shall appoint as many individuals as necessary to carry out the department's responsibilities under this section.

10 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph 252 the following new subparagraph:

(253) Moneys deposited in the workers' compensation fraud fund established by RSA 281-A:2, VI(c).

11 Effective Date. This act shall take effect January 1, 2008.  
Amendment adopted.

Rep. Holden offered floor amendment (2074h).

#### **Floor Amendment (2074h)**

Amend RSA 281-A:2, VI(c) as inserted by section 9 of the bill by replacing it with the following:

(c) Prima facie evidence that the criteria prescribed in subparagraphs (b)(1)(A)-~~(E)~~(L) have been met may be established by a written agreement signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with each of the criteria. Nothing in this subparagraph shall require such an agreement to establish that the criteria have been met. If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500; in addition, such employer shall be assessed a civil penalty of \$100 per employee for each day of noncompliance. The fines shall be assessed from the first day of the infraction but not to exceed one year. Notwithstanding any provision of law to the contrary, any person with control or responsibility over decisions to disburse funds and salaries and who knowingly violates the provisions of this subparagraph shall be held personally liable for payments of fines. All funds collected under this subparagraph shall be continually appropriated and deposited into a nonlapsing workers' compensation fraud fund dedicated to the investigation and compliance activities required by this section and related sections pertaining to labor and insurance law. The commissioner of labor shall appoint as many individuals as necessary to carry out the department's responsibilities under this section.

Rep. Sally Kelly spoke in favor.

Floor amendment (2074h) adopted.

Committee report adopted and ordered to third reading.

**SB 154**, relative to the worker's compensation compliance statement. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marlene M. DeChane for the Majority of Labor, Industrial and Rehabilitative Services: This bill simply requires the Department of Labor to make public worker's compensation compliance statements upon request. It also ensures that worker's compensation coverage is up to date. New Hampshire law requires that all employees are covered. Vote 10-7.

Rep. William J. Infantine for the Minority of Labor, Industrial and Rehabilitative Services: This bill amends current law under RSA 281-A:4-a that currently requires employers to provide compliance statements to the Department of Labor. The bill requires this department to make these statements public even if the employer appears to be in compliance with the law. These reports include proprietary information such as the total number of employee hours worked and what worker's compensation classification codes were used. We should not be legislating that private information be made public when employers are abiding by New Hampshire law. This does not serve any benefit to the state or general public. It only serves to give private entities vital information about their competitors.

On a division vote, 203 members having voted in the affirmative and 126 in the negative, the majority committee report was adopted.

Ordered to third reading.

**SB 54**, relative to dog license fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: This bill proposes to increase the fee required to license dogs owned or kept in a municipality to be "no more than \$5.00" instead of the current "no more than \$1.00," as stated in RSA 466:39. All dog owners are required to furnish rabies vaccination verification to the municipal clerk prior to licensure. The committee knows that a rabies vaccination is costly, although there is help for income eligible owners. However, the vaccination program is a higher public policy priority than an increase of licensing fees. There was concern by the committee that a license increase might force dog owners to opt out of the successful rabies vaccination program presently in statute. This bill was recommitted with the intent of adding an amendment. Further information gathered confirmed that an amendment was not warranted. In discussion with the town clerks it was agreed to bring this issue to the legislature next year. Vote 13-0. Committee report adopted.

**SB 58**, relative to the recommendation for the town budget. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: The amendment allows any town with or without a budget committee to vote that the tally of the vote taken regarding budget items or warrant articles be printed in the town warrant. This enables both traditional towns and official ballot towns to have this question put on the ballot. The amendment also puts this budget preparation issue in RSA 32:5 and RSA 40:13 instead of just in the statute covering the duties of the selectmen. Vote 13-0.

**Amendment (1815h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Budget Preparation. Amend RSA 32:5 by inserting after paragraph V the following new paragraph:

*V-a. Any town may vote to require that all votes by an advisory budget committee or a town budget committee or, in towns without a budget committee, all votes of the selectmen relative to budget items or warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article.*

2 New Paragraph; Use of Official Ballot. Amend RSA 40:13 by inserting after paragraph V the following new paragraph:

*V-a. Any town may vote to require that all votes by an advisory budget committee or a town budget committee or, in towns without a budget committee, all votes of the selectmen relative to budget items or warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article.*

3 Effective Date. This act shall take effect 60 days after its passage.

Rep. Theberge spoke against.

Amendment failed.

Rep. Theberge offered floor amendment (1864h).

**Floor Amendment (1864h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Budget Preparation. Amend RSA 32:5 by inserting after paragraph V the following new paragraph:

*V-a. Any town may vote to require that all votes by an advisory budget committee, a town budget committee, and the governing body or, in towns without a budget committee, all votes of the governing body relative to budget items or warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article.*

2 New Paragraph; Use of Official Ballot. Amend RSA 40:13 by inserting after paragraph V the following new paragraph:

*V-a. Any town may vote to require that all votes by an advisory budget committee, a town budget committee, and the governing body or, in towns without a budget committee, all votes of the governing body relative to budget items or warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article.*

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill permits towns to require that votes by a budget committee or the governing body relative to budget items be recorded and that the tally be printed in the town warrant.

Rep. Theberge spoke in favor and yielded to questions.

Floor amendment (1864h) adopted.

Committee report adopted and ordered to third reading.

**SB 219-FN**, establishing a committee to study the effectiveness of current preservation planning tools designed to prevent unnecessary demolitions of significant historic properties and recommend new incentives to aid communities, improvements to existing methods, or creation of new programs.

**MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for the Majority of Municipal and County Government: It was the majority opinion of the committee that much of the history of the state and its value as a travel destination comes from its rich architectural heritage. The charge to the proposed study committee is to assess current "best practice" and to consider other incentives, methods or programs which can help communities preserve that heritage and prevent the unnecessary demolition of significant historic properties. Vote 9-5.

Rep. Joseph A. Guthrie for the Minority of Municipal and County Government: Although the minority agreed that the concern for the demolition of historic properties has merit, it was felt not necessary to establish a study committee.

Majority committee report adopted and ordered to third reading.

**MOTION TO REMOVE FROM TABLE**

Rep. DeJoie moved that **SB 88**, relative to public employee terms of employment, bargaining units, and dispute resolution, be removed from the table. (Pending question: Ought to Pass with Amendment).

Rep. Goley requested a roll call; sufficiently seconded.

**YEAS 145 NAYS 190****YEAS 145****BELKNAP**

Morrison, Gail

Wood, Jane

**CARROLL**

Bridgham, Robert

**CHESHIRE**

Allen, Peter

Burridge, Delmar

Butterworth, Timothy

Butynski, William

Chase, William

Dunn, J. Timothy

Eaton, Daniel

Espiefs, Peter

Mitchell, Bonnie

Parkhurst, Henry

Plifka, Stanley Jr

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

**COOS**

Hatch, William

Merrick, Scott

**GRAFTON**

Almy, Susan

Andersen, Gene

Friedrich, Carol

Hammond, Lee

Harding, A Laurie

Matheson, Robert

McLeod, Martha

Mulholland, Catherine

Nordgren, Sharon

Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin

Beaulieu, Jane

Beck, Catriona

Brunelle, Michael

Clemons, Jane

Cote, David

Cote, Peter

Edwards, Andrew

Fontas, Jeffrey

Foster, Linda

Garrity, Patrick

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Hackel, Paul

Haley, Robert

Harvey, Suzanne

Hebert, Roger

Holden, Randolph

Jean, Claudette

Johnson, Stephen

Kaelin, Michael

Kelley, John

Knowles, John

Knowles, Mary Ann  
Levasseur, Nickolas  
Marshall, Seth  
Pilotte, Maurice  
Shattuck, Gilman

Kopka, Angeline  
Lisle, Carolyn  
Mesa, Lily  
Reuschel, Michael  
Shaw, Barbara

Lasky, Bette  
Long, Patrick  
Movsesian, Lori  
Scannell, David  
Smith, Sandra

Leishman, Peter  
Mack, Ron  
O'Brien, Michael Sr  
Schulze, Joan  
Sullivan, Francis

### MERRIMACK

Baxley, Maureen  
Davis, Frank  
Foose, Robert  
Kelly, Sally  
Richardson, Gary  
Tupper, Frank  
Williams, Robert

Brown, Carole  
DeJoie, John  
French, Barbara  
Kjellman, Eleanor Glynn  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
McMahon, Patricia  
Shurtleff, Stephen  
Walz, Mary

Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Osborne, Jessie  
Tilton, Joy  
Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
Lister, Charlotte  
Nord, Susi  
Quandt, Marshall  
Winchell, George

Day, Judith  
McCarthy, Linda  
Pantelakos, Laura  
Quandt, Matthew

Howard, Doreen  
McKenna, Daniel  
Powers, James  
Splaine, James

Kennedy, James  
Moody, Marcia  
Preston, Mark  
Weare, Everett

### STRAFFORD

Billian, Deborah  
Hilliard, Dana  
Miller, Joseph  
Schmidt, Peter  
Wall, Janet

Burke, Rachel  
Hofemann, Roland  
Oppenheimer, Kay  
Smith, Marjorie  
Warren, Nancy

Cyr, James  
Hubbard, Pamela  
Perry, Robert  
Spang, Judith  
Watson, Robert

DeChane, Marlene  
Kaen, Naida  
Rous, Emma  
Vachon, Dennis

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew

Franklin, Peter  
Jillette, Arthur Jr

### NAYS 190

### BELKNAP

Allen, Janet  
Nedeau, Stephen  
Tilton, Franklin

Boyce, Laurie  
Pilliod, James  
Wendelboe, Fran

Clark, Charles  
Russell, David  
Whalley, Michael

Millham, Alida  
Thomas, John

### CARROLL

Ahlgren, Christopher  
Chandler, Gene  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Cunningham, Howard  
Martin, James

Buco, Thomas  
Denley, William  
Morrow, Harry

Butler, Edward  
Heard, Virginia  
Patten, Betsey

### CHESHIRE

Butcher, Suzanne  
Lerandeau, Alfred

Emerson, Susan  
Sad, Tara

Hunt, John  
Weber, Lucy

Johnson, Jane

### COOS

King, Frederick  
Thomas, Yvonne

Remick, William

Theberge, Robert

Troll, John Jr

### GRAFTON

Aguiar, James  
Eaton, Stephanie  
Laliberte, Suzanne  
Sorg, Gregory

Bulis, Lyle  
Estes, Carole  
Lovett, Sid  
Williams, Burton

Cooney, Mary  
Gionet, Edmond  
Pierce, David

Dingman, Vernon III  
Ingbretson, Paul  
Preston, Philip

**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Campbell, David	Christensen, Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Daler, Jennifer	Daniels, Gary	Day, Russell
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Essex, David	Graham, John	Haefner, Robert	Hall, Betty
Hammond, Jill	Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton
Hogan, Edith	Infantine, William	Irwin, Anne-Marie	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	McRae, Karen	Mooney, Maureen
Moran, Edward	Nagle, Maureen	O'Connell, Timothy	O'Neil, James
Ober, Lynne	Ober, Russell III	Peterson, Andy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert
Shaw, Kimberly	Simon, Anthony	Smith, David	Spaulding, Jayne
Spratt, Stephen	Stepanek, Stephen	Sysyn, Mary	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel

**MERRIMACK**

Anderson, Eric	Beauchesne, Suzanne	Blanchard, Elizabeth	Hess, David
Humphries, Charlie	Kidder, David	Lockwood, Priscilla	MacKay, James
Porter, Margaret	Reardon, Tara	Reed, Dennis	Webb, Leigh

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Borden, David	Brown, C. Pennington	Buxton, Donald	Cali-Pitts, Jacqueline
Camm, Kevin	Carson, Sharon	Case, Frank	Casey, Kimberley
Charon, Gene	Devine, James	DiFruscia, Anthony	Dumaine, Dudley
Elliott, Robert	Emiro, Frank	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Garrity, James	Gleason, John	Gould, Kenneth
Griffin, Mary	Guthrie, Joseph	Headd, James	Henson, John
Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Kappler, Lawrence	Katsakiores, George
Katsakiores, Phyllis	Kepner, Susan	Lund, Howie	Major, Norman
Marsh, Michael	McEachern, Paul	McMahon, Charles	Moore, Bennett
Nowe, Ronald	Packard, Sherman	Priestley, Anne	Reagan, John
Robertson, Carl	Russell, Trinka	Sanders, Elisabeth	Snow, Richard
Stiles, Nancy	Welch, David	Wells, Roger	Weyler, Kenneth

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	Brown, Larry
Browne, Brendon	Domingo, Baldwin	Fargo, Thomas	Goodwin, Earle
Hutz, Sarah	Knowles, William	Mickelonis, Shawn	Rollo, Deanna
Rollo, Michael	Sprague, Dale		

**SULLIVAN**

Rodeschin, Beverly  
and the motion failed.

**SPECIAL ORDERED**

Without objection, the Speaker ordered the remainder of the bills on today's calendar to be made Special Orders for the next session day in their Regular Calendar order.

**RESOLUTION**

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet June 7, 2007 at 10:00 a.m. Adopted.



**LATE SESSION****Third reading and final passage**

**SB 188**, relative to unfair claim settlement practices by insurers.

**SB 189**, relative to medical benefits under motor vehicle insurance.

**SB 229**, relative to restitution ordered against an inmate.

**SB 125-FN**, relative to certificates for architect business organizations.

**SB 178-FN**, relative to the judicial retirement plan.

**SB 60-FN**, relative to compensations for injuries and illnesses suffered by national guard members on state active duty.

**SB 68-FN-A**, making an appropriation to the department of environmental services to implement the New Hampshire estuaries project's comprehensive conservation and management plan.

**SB 215-FN-A**, making an appropriation for AIDS services.

**SB 222-FN**, relative to health insurance for national guard members.

**SB 237**, establishing a council on employment issues affecting veterans.

**SB 206-FN-L**, relative to the investment authority of local government entities.

**SB 111**, permitting a dam to be constructed on Lake Ivanhoe in the town of Wakefield.

**SB 97**, relative to unemployment administrative contributions and the training fund, and transferring the job training program administered by the department of regional community-technical colleges to the department of resources and economic development.

**SB 133-FN**, relative to the escrow fund for court facility improvements.

**SB 197**, relative to continuation of group health insurance in the event of divorce or legal separation.

**SB 233-FN**, relative to sales by beverage manufacturers and relative to the definition of specialty beer.

**SB 18-FN**, raising the age of required attendance of children in school.

**SB 67-FN-A**, relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor.

**SB 82-FN**, reorganizing the administration and governance of the regional community-technical college system.

**SB 93-FN**, relative to insurance coverage for children's early intervention therapy services.

**SB 101**, relative to payment of costs for certain students attending alternative education programs.

**SB 138-FN-A**, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making appropriations therefor.

**SB 169-FN-A**, establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty and establishing a committee to study the feasibility of establishing a state death benefit for emergency medical technicians killed in the line of duty.

**SB 176-FN**, relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standards.

**SB 192-FN**, establishing an outreach program in the children's health insurance program.

**SB 204-FN-A**, relative to collection of debts owed the state.

**SB 213-FN-A**, establishing a comprehensive cancer plan fund and making an appropriation therefor, and establishing a comprehensive cancer plan oversight board.

**SB 217-FN-A**, establishing the New Hampshire housing and conservation planning program.

**SB 226-FN**, relative to the temporary assistance to needy families (TANF) program.

**SB 242-FN**, establishing the intellectual property business loan development program.

**SB 27-FN**, relative to the display of the POW-MIA flag.

**SB 92**, relative to the definition of employee and clarifying the criteria for exempting workers from employee status.

**SB 154**, relative to the worker's compensation compliance statement.

**SB 58**, relative to the recommendation for the town budget.

**SB 219-FN**, establishing a committee to study the effectiveness of current preservation planning tools designed to prevent unnecessary demolitions of significant historic properties and recommend new incentives to aid communities, improvements to existing methods, or creation of new programs.

**UNANIMOUS CONSENT**

Reps. Phinizy and DeChane addressed the House.

**MOTION TO PRINT REMARKS**

Rep. John Thomas moved that the remarks made by Rep. Phinizy be printed in the Permanent Journal.

Adopted.

**REMARKS**

**Rep. Phinizy:** Thank you, Madam Speaker. I woke up this morning and it was a lovely morning. By the time I woke up, 63 years ago people had already landed in Normandy. The Normandy landings were the beginning, I took some of this from the BBC journal, the Normandy landings were the beginning of Operation Overlord of the invasion of German occupied Europe. Originally planned to take place on May 1<sup>st</sup>, the operation was postponed a month to allow time to gather more troops and equipment. The timing was important to allow for the right weather, a full moon and tidal conditions. To keep the destination of the landing secret, a deception plan, Operation Fortitude, was mounted which led the Germans to believe the main target was the Pas de Calais, much further to the East. When the landings finally began, there were only 14 of the 58 German divisions in France facing the allies. While there was stiff resistance at other beaches, Omaha, otherwise known as "Bloody Omaha," was the only one where the success of the allied mission was in serious doubt. Bloody Omaha was 3.5 miles long. It had 1,200 casualties by the end of the day. The 29<sup>th</sup> and the 1<sup>st</sup> Infantry Divisions; Big Red 1 is the 1<sup>st</sup> Infantry Division. Eight companies of Rangers, of those Rangers, the second Ranger assaulted the Pointe du Hoc, which is where you had artillery that ranged not only across Omaha, but ranged across some of the other beaches. The invasion of Normandy, at that point, was the largest and still is the largest amphibious assault ever launched. It involved five army divisions in the initial assault and over 7,000 ships. In addition, there were 11,000 aircraft. A total of 72,000 British and Canadian troops and 57,000 American troops landed by sea on D-Day. Another 23,000 landed by air. That, of course, was the 101<sup>st</sup>, the 82<sup>nd</sup> and I believe the 6<sup>th</sup> paratroopers, the British 6<sup>th</sup> paratroopers. By the 11<sup>th</sup> of June, the allies had secured the Cotentin Peninsula beyond Cherbourg. The progress continued slowly as the Germans put up fierce resistance. The end of the Normandy campaign came through with the destruction of the Germans at the Falaise pocket. Normandy, perhaps together with an action that took place 65 years ago, two days earlier, the battle for Midway where three American aircraft carriers, a fleet of cruisers and some destroyers took on the Imperial Japanese fleet and sunk four of their major aircraft carriers: the Akagi, the Kaga, the Hiryu and the Soryu, as well as other Japanese ships. They basically dented or blunted what was the Japanese invasion of the West Coast. So these two events surrounding the 4<sup>th</sup> of June and the 6<sup>th</sup> of June perhaps, I think, are critically the most important events in American history. Some might argue Antietam. Some people might say Shiloh and some people might say Gettysburg, but this is where the people of my father's generation did a lot for the world and I thank them.

**RECESS MOTION**

Rep. Wallner moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports and receiving Senate messages.

Adopted.

The House recessed at 4:40 p.m.

**RECESS**

**(Rep. Daniel Eaton in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 49, 102, 180, 221, 248, 336, 344, 395, 439, 446, 448, 480, 534, 543, 554, 598, 599, 602, 703, 733, 813, 844, 849 and 866 and Senate Bill number 56.

Rep. Hager, Sen. D'Allesandro for the Committee

**RECESS**

**(Speaker Norelli in the Chair)**

Rep. Wallner moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 19

Thursday, June 7, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

*A Prayer for Children*  
by Ina J. Hughs

We pray for children

who put chocolate fingers everywhere,  
who like to be tickled,  
who stomp in mud puddles and ruin their new pants,  
who sneak Popsicles before supper,  
who erase holes in math workbooks,  
who can never find their shoes.

And we pray for those

who stare at photographers from behind barbed wire,  
who've never squeaked across the floor in new sneakers,  
who never "counted potatoes,"  
who are born in places we wouldn't be caught dead,  
who never go to the circus,  
who live in an X-rated world.

We pray for children

who bring us sticky kisses and fistfuls of dandelions,  
who sleep with the dog and bury goldfish,  
who hug us in a hurry and forget their lunch money,  
who cover themselves with Band-Aids and sing off-key,  
who squeeze toothpaste all over the sink,  
who slurp their soup.

And we pray for those

who never get dessert,  
who watch their parents watch them die,  
who have no safe blanket to drag behind,  
who can't find any bread to steal,  
who don't have any rooms to clean up,  
whose pictures aren't on anybody's dresser,  
whose monsters are real.

We pray for children

who spend all their allowance before Tuesday,  
who throw tantrums in the grocery store and pick at their food,  
who like ghost stories,  
who shove dirty clothes under the bed and never rinse out the tub,  
who get visits from the tooth fairy,  
who don't like to be kissed in front of the car pool,  
who squirm in church and scream in the phone,  
whose tears we sometimes laugh at and whose smiles can make us cry.

And we pray for those

whose nightmares come in the daytime,  
who will eat anything,  
who have never seen a dentist,  
who aren't spoiled by anybody,  
who go to bed hungry and cry themselves to sleep,  
who live and move, but have no being.

We pray for children  
 who want to be carried, and for those who must.  
 For those we never give up on, and for those who don't get a chance.  
 For those we smother, and for those who will grab the hand of anybody  
 kind enough to offer it.

Rep. John Thomas, member from Belmont, led the Pledge of Allegiance.

The National Anthem was sung by Shelby Stanton, a student at Marlborough Middle School.

### LEAVES OF ABSENCE

Reps. Dalrymple, Forest, Forsing, Grote and Martineau, the day, illness.  
 Reps. Janet Allen, Barry, Bergin, Blanchard, Bleyler, Brennan, Jennifer Brown, Larry Brown, Brendon Browne, Case, Claudia Chase, Clemons, Stephanie Eaton, Donald Flanders, Fletcher, Greco, Hager, Hamm, Lee Hammond, Harvey, Houde, Hutchinson, Hutz, L'Heureux, Lawrence, Leishman, Lessard, Levesque, Manney, McKinney, Scott Merrick, Benjamin Moore, Nielsen, Rausch, Deanna Rollo, Sprague, Stevens and Joy Tilton, the day, important business.

### INTRODUCTION OF GUESTS

Honorable Charlotte Houde-Quimby, former member from Meriden, guest of Rep. Harding. Kim Stanton, mother of the singer, guest of the House. Paul Howard, husband of Rep. Howard.

### SENATE MESSAGES

#### REQUEST CONCURRENCE WITH AMENDMENTS

**HB 83**, relative to the deliberations of the board of tax and land appeals under the right-to-know law. (Amendment printed SJ 5-24-07)

Rep. David Cote moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Wall, Gary Richardson, Baxley and Mooney.

Rep. Baldasaro declared a conflict of interest on **HB 83** and did not participate.

**HB 187**, establishing that sheriffs' departments have sole jurisdiction to enforce civil orders. (Amendment printed SJ 5-3-07)

Rep. William Knowles moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Tholl, Welch, Fontas and Movsesian.

**HB 202**, relative to a point system for automobile dealer and inspection station violations. (Amendment printed SJ 4-18-07)

Rep. Ryan moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Ryan, Packard, Nedeau and Robert Williams.

**HB 261**, prohibiting the Carroll county attorney from engaging in the private practice of law. (Amendment printed SJ 5-31-07)

Rep. Theberge moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Patten, Stohl, Simon and Larry Brown.

**HB 293**, allowing municipalities to establish agricultural commissions. (Amendments printed SJ 5-17-07)

Rep. Theberge moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Theberge, Bennett Moore, Patten and Stohl.

**HB 306**, establishing a task force on work and family. (Amendment printed SJ 5-24-07)

Rep. Mears moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. John Knowles, Converse, Infantine and Bishop.

**HB 653**, relative to the determination of benefits, funding, and administration of the New Hampshire retirement system. (Amendment printed SJ 5-24-07)

Rep. Irwin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Irwin, Patricia McMahon, Hawkins and Beauchesne.

Reps. Robert Johnson and John Thomas declared a conflict of interest on **HB 653** and did not participate.

**HB 659-FN**, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements. (Amendment printed SJ 5-17-07)

Rep. Ryan moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Jennifer Brown, Packard, O'Brien and Estes.

**HB 735**, relative to the form of the presidential primary election ballot. (Amendment printed SJ 5-24-07)

Rep. Weed moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Clemons, Jasper, Weed and Claudia Chase.

**HB 876-FN-L**, establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system. (Amendment printed SJ 5-24-07)

Rep. Irwin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Irwin, Patricia McMahon, Hawkins and Beauchesne.

**HB 882-FN**, relative to limitations on tort liability of government units. (Amendment printed SJ 5-24-07)

Rep. David Cote moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lasky, Morrison, Baxley and Sorg.

**HB 54**, establishing a commission to study automobile recycling issues. (Amendment printed SJ 5-24-07)

Rep. Irwin moved that the House concur and spoke in favor.

Adopted.

**HB 718-FN**, establishing a committee to study the cost, quality, accountability and oversight standards used by the state when contracting with private entities for delivery of public services. (Amendment printed SJ 5-17-07)

Rep. Irwin moved that the House concur and spoke in favor.

Adopted.

**HB 895-FN**, relative to licensure of court reporters. (Amendment printed SJ 5-24-07)

Rep. Irwin moved that the House concur and spoke in favor.

Adopted.

**HB 272**, relative to presidential primary elections. (Amendment printed SJ 5-31-07)

Rep. Weed moved that the House concur and spoke in favor.

Adopted.

**HB 43**, relative to the procedure for establishing Medicaid reimbursement rates, establishing a committee to study Medicaid payments for hospital-based physician and outpatient services, and establishing a moratorium on certain reimbursement policy changes pending the results of the study. (Amendment printed SJ 5-24-07)

Reps. Rosenwald and Marjorie Smith moved that the House concur.

Rep. Rosenwald spoke in favor.

Adopted.

**HB 345**, relative to certification of death certificates. (Amendment printed SJ 5-31-07)

Rep. Rosenwald moved that the House concur and spoke in favor.

Adopted.

**HB 491**, establishing a public health improvement services council. (Amendment printed SJ 5-31-07)  
Rep. Rosenwald moved that the House concur and spoke in favor.  
Adopted.

**HB 611**, relative to payment of wages by automated pay card or cash voucher. (Amendment printed SJ 5-17-07)  
Rep. Mears moved that the House concur and spoke in favor.  
Adopted.

**HB 316**, relative to the 5-year assessment review by the department of revenue administration. (Amendment printed SJ 5-31-07)  
Rep. Theberge moved that the House concur and spoke in favor.  
Adopted.

**HB 722**, relative to the rivers management protection program. (Amendment printed SJ 5-31-07)  
Rep. Spang moved that the House concur and spoke in favor.  
Adopted.

**HB 898**, relative to the use of sled dogs and the training of sled dogs on state trails. (Amendment printed SJ 5-17-07)  
Rep. Spang moved that the House concur and spoke in favor.  
Adopted.

**HB 119**, relative to the sunset provision of the system benefits charge. (Amendment printed SJ 5-31-07)  
Rep. Kaen moved that the House concur and spoke in favor.  
Adopted.

**HB 694**, establishing a commission to study the feasibility of tidal power generation under the Little Bay and General Sullivan Bridges, in Dover. (Amendment printed SJ 5-31-07)  
Rep. Kaen moved that the House concur and spoke in favor.  
Adopted.

**HB 768**, relative to voluntary registration with the Eastern Climate Registry. (Amendment printed SJ 5-31-07)  
Rep. Kaen moved that the House concur and spoke in favor.  
Adopted.

**HB 917**, relative to the duties of the oversight committee on telecommunications. (Amendment printed SJ 5-31-07)  
Rep. Kaen moved that the House concur and spoke in favor.  
Adopted.

**HB 397**, relative to restricted drivers' licenses. (Amendment printed SJ 5-24-07)  
Rep. Ryan moved that the House concur and spoke in favor.  
Adopted.

**HB 685**, prohibiting New Hampshire from participating in a national identification card system. (Amendment printed SJ 5-24-07)  
Rep. Ryan moved that the House concur and spoke in favor.  
Adopted.

**HB 649**, relative to the disposition of real estate given, devised, or bequeathed to a town for charitable or community purposes. (Amendment printed SJ 5-31-07)  
Rep. Theberge moved that the House concur and spoke in favor.  
Adopted.

## REGULAR CALENDAR

### SPECIAL ORDERS

**SB 74-FN**, relative to the operation and administration of the state park system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**  
Rep. Donald A. Brueggemann for the Majority of Resources, Recreation and Development: This establishes a bureau of historic sites in the Department of Resources and Economic Development.

Although initially only minimally staffed, this bill provides a framework by which the bureau will be developed in order to address the abysmal condition into which our state-owned historic sites have fallen. In addition, SB 74 details the content and the development process of a strategic plan for the state parks system and requires an audit of the Division of Parks and Lands. Lastly, a State Park System Advisory Council is established in order to provide advice as the master plan is developed and advocate for the park system. The amendment eliminates a Legislative Oversight Committee, incorporates legislators into the Advisory Council and sunsets the council in 2010, two years after completion of the plan. Vote 12-6.

Rep. Andrew Renzullo for the Minority of Resources, Recreation and Development: This bill is a typical government response to a problem, to form a committee. This bill creates another advisory group to add to the 170 plus committees/groups/councils that give input to the Department of Resources and Economic Development (DRED). The bill also asks for \$500,000 to have the Director of DRED produce a master plan for the park system. We hire people to do a job and have the vision to create their plan for their department's future, not hire a consultant to do it. In addition, this bill requests the establishing of a bureau of historic sites within the state park system and staffing said bureau. Preservation of historic sites within the park system is best handled by individually funded projects and not establishing a bureau.

### **Majority Amendment (1809h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Department of Resources and Economic Development; Bureau of Historic Sites Established. Amend RSA 12-A by inserting after section 10-c the following new sections:

12-A:10-d Bureau of Historic Sites Established. There is established a bureau of historic sites in the division of parks and recreation of the department of resources and economic development. The chief supervisor of the bureau shall report directly to the director of the division of parks and recreation.

12-A:10-e Duties of the Bureau of Historic Sites. The bureau shall:

I. Define missions and goals for the state's historic sites and ensure accountability in the ongoing stewardship responsibilities for such sites.

II. Create a comprehensive and coordinated interpretive approach for the network of state historic sites.

III. Develop operating and management plans and policies specific to the state's historic sites.

IV. Enter into partnerships and provide effective management of partnerships with other agencies and "friends" groups connected to the state's historic sites.

V. Address the deferred maintenance of existing sites and develop a long-term maintenance plan for all state-owned historic sites.

VI. Develop sustainable funding mechanisms that include state funds, earned income, and foundation and private support.

VII. Build an operations team with cultural resource expertise and administrative, interpretive, and preservation experience.

VIII. Work collaboratively with the division of historical resources in the department of cultural resources, in the management of the state historic sites and the development of interpretive and visitor programs for students and the general public that will build ongoing recognition and appreciation for the state's historic sites.

2 Expansion of State Park System; Development Plan. RSA 216-A:3-c is repealed and reenacted to read as follows:

216-A:3-c Development Plan.

I. The director of parks and recreation shall by September 30, 2008, publish a written comprehensive 10-year development plan for the state park system. The director may contract with an experienced, independent firm to assist in the development of this plan. The director shall submit copies of the plan to the governor, the governor's council, the presiding officers of the general court, the chairperson of the house resources, recreation and development committee, and the chairperson of the senate energy, environment, and economic development committee. On or before June 1, 2008, the director of parks and recreation shall submit a progress report to the chairperson of the house resources, recreation and economic development committee and the chairperson of the senate energy, environment, and economic development committee.

II. The director shall continually review this plan and revise it as necessary.

### III. The strategic plan shall include:

- (a) An analysis of the recreational needs of each geographic region of the state and the degree to which existing park facilities address those needs.
- (b) An evaluation of overall state park system operations to identify strengths, weaknesses, and future approaches to increase revenue and simplify operations.
- (c) Specific goals and objectives for the park system.
- (d) A report on the progress in meeting goals and objectives during each biennium.
- (e) Identification of areas in which there is a need for physical expansion of park properties.
- (f) Identification of park system properties which are surplus to the state's needs.
- (g) A summary of the division's planned maintenance program for park facilities, including, but not limited to, measures to protect against undue environmental stress.
- (h) Proposed improvements to park facilities, including major renovations, repairs, additions, or new construction.
- (i) A full evaluation of facilities, profit and loss, and usage trends in each state park and a comparison of such usage to national trends.
- (j) A continual overview of marketing approaches and reservation systems to maximize day rental usage of the state park system.
- (k) The adoption of uniform standards for managing facility day use including uniformity in fee structure, reservation procedures, and monitoring of use.
- (l) An analysis of whether leasing or outsourcing certain state park functions, or entering into public/private partnerships would increase revenues and simplify operations.

### IV. The strategic plan shall serve as a basis for the division's capital and operating budget requests.

V. In developing the plan, the department shall solicit local input. The director shall also consult with the division of historical resources of the department of cultural resources. The office of energy and planning shall provide the director of parks and recreation with such information on the recreational needs of the state and other technical assistance as is necessary for the division to properly perform its responsibilities under this section.

VI. The director of parks and recreation shall report to the house resources, recreation and development committee and the senate energy, environment, and economic development committee by January 31 of each year on the state of the parks and historic sites.

3 Audit of Division of Parks and Recreation. Notwithstanding RSA 17-N:1, the legislative budget assistant shall, no later than January 1, 2008, initiate an audit of the division of parks and recreation of the department of resources and economic development. The audit topics shall include, but are not limited to, cash control, cash flow management, and security issues. On or before June 30, 2008, the legislative budget assistant shall submit an audit progress report to the chairperson of the house resources, recreation and development committee and the chairperson of the senate energy, environment, and economic development committee. A final audit report shall be submitted on or before September 30, 2008. Extensions to these reporting dates may be granted by the fiscal committee of the general court.

4 New Section; State Park System Advisory Council. Amend RSA 216-A by inserting after section 3-j the following new sections:

#### 216-A:3-k State Park System Advisory Council.

I. There is established a state park system advisory council which shall consist of the following members:

- (a) Ten who shall be appointed by the governor.
- (b) One who shall be the commissioner of the department of resources and economic development or designee, whose appointment shall be coterminous with the commissioner's tenure of office.
- (c) Three members of the house of representatives, at least 2 of whom shall be from the resources, recreation and development committee, appointed by the speaker of the house of representatives.
- (d) Two senators, appointed by the president of the senate.

II. In the event of a vacancy in membership of a member appointed under paragraph I, appointment shall be made in the same manner.

III. Members of the council shall be residents of the state of New Hampshire, at least one of whom shall be qualified, experienced, and representative of each of the following areas:

- (a) The business community.
- (b) A park friends group.
- (c) Recreation.



- (d) Forestry.
- (e) The general public.
- (f) Conservation.
- (g) Marketing or public relations.
- (h) Historic preservation, including the development and management of historic sites.

IV. The council shall elect a chairperson from among the membership.

V. Members of the council shall serve without compensation but shall be entitled to receive mileage and expenses when attending to the duties of the council. Legislative members of the council shall receive mileage at the legislative rate when attending to the duties of the council.

VI. The council shall:

(a) Provide advice to the director of the division of parks and recreation on issues relating to the operation and development of the state park system.

(b) Act as an advocate for the state park system.

(c) Review existing statutes and capital appropriations relating to the state park system and recommend to the general court any changes needed to improve efficiency and clarify responsibilities in the operation of the state park system.

(d) Review, with the assistance of the attorney general, all agreements, memoranda of understanding, leases, special use permits, deeds, or other legal documents to which the division of parks and recreation, or the department of resources and economic development, or both, are a party.

(e) Investigate the development of new incentives to encourage nonprofit clubs, "friends" groups, or other individuals or organizations to assist with construction, maintenance, scientific research, visitor services, and other activities required for the efficient operation of the state park system.

(f) Submit a report of its findings to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library no later than November 1 each year.

5 Repeal. Section 4 of this act is repealed effective June 30, 2010.

6 Effective Date. This act shall take effect 60 days after its passage.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

**SB 143**, naming Jericho Mountain state park and establishing ATV and trail bike trails in such park.

**MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Suzanne H. Gottling for the Majority of Resources, Recreation and Development: This bill with amendment names the new state park near Berlin "Jericho Mountain Park." It also defines a procedure for building and completing ATV and trail bike trails in areas of the park where the criteria established in RSA 215-A:43 make this development impracticable. A waiver of some criteria may be obtained. Each waiver must be agreed to in writing by the Department of Resources and Economic Development and the Fish and Game Department. If water quality is impacted, the Department of Environmental Services must also agree in writing to the waiver. The allowable maximum size of ATVs was increased to 1200 pounds and 60 inches wide to provide opportunities for enhanced revenues at the park. Vote 11-6.

Rep. Elisabeth N. Sanders for the Minority of Resources, Recreation and Development: The minority of the committee strongly supports the Jericho Mountain state park development due to its valuable economic impact goals. The committee drafted and discussed four different proposals, none of which were satisfactory. After hours of debate, the minority felt that the original SB 143 as amended by the Senate was the best solution for House approval and feels that an OTP (no amendment) would best serve the interest of increasing travel and tourism to the North County – helping economic growth and job creation. All the amendments contained language that focused on micromanaging the agencies, rather than allowing the agencies to perform their responsibilities as set out in statute and the Jericho Mountain State Park Master Plan. The bill as passed by the Senate strikes a balance between the economic goals and environmental protection. There is already a solid level of cooperation between the Department of Resources and Economic Development (DRED), the Fish & Game Department, and the Department of Environmental Services (DES) in the creation and the implementation of this new park initiative.

**Majority Amendment (1829h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to ATV and trail bike trails in Jericho Mountain park.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Jericho Mountain Park. Amend RSA 215A:43 by inserting after paragraph V the following new paragraphs:

VI. The property acquired for the purposes of developing ATV and trail bike trails in the city of Berlin by the department of resources and economic development, division of parks and recreation, bureau of trails, and any abutting land donated or acquired after the effective date of this paragraph, shall hereby be known as Jericho Mountain Park.

VII. Notwithstanding the provisions of this section to the contrary, at Jericho Mountain Park:

(a) An ATV or trail bike trail may be established and subsequently maintained within Jericho Mountain Park even though it:

(1) Is within 330 feet of a known raptor nest provided that it is not within 650 feet of trees with eagle or osprey nests; or

(2) Fails to comply with the criteria in RSA 215-A:43, II(o) and (q) to the extent that it is utilizing an existing surface roadway located within the protected area which would reduce adverse environmental impacts.

(b) Site specific waivers of the criteria specified in RSA 215-A:43, II(o) and (q) are allowed on trails in Jericho Mountain Park provided that all of the following criteria are met:

(1) There is no practicable alternative location of the trail that would meet the criteria in RSA 215-A:43, II;

(2) The proposed trail location and construction is the least impacting alternative; and

(3) Conditions of the site specific waiver are agreed to in writing by:

(A) The department of resources and economic development and the fish and game department, for waivers that will have no impact on water quality; or

(B) The department of resources and economic development, the fish and game department, and the department of environmental services for waivers that may have an impact on water quality.

(c) A person may operate an OHRV within Jericho Mountain Park which weighs up to 1200 pounds and is no wider than 60 inches.

2 Effective Date. This act shall take effect July 1, 2007.

**AMENDED ANALYSIS**

This bill allows waivers of certain criteria in the evaluation process for establishment of ATV and trail bike trails relative to Jericho Mountain park in Berlin.

Majority committee amendment adopted.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Spang moved that the House reconsider its action whereby it adopted the majority committee amendment on **SB 143**, naming Jericho Mountain state park and establishing ATV and trail bike trails in such park.

Rep. Spang spoke in favor.

Motion adopted.

The question now being adoption of majority committee amendment (1829h).

Rep. Chris Christensen spoke against.

Rep. Gottling spoke in favor.

Rep. Lasky requested a roll call; sufficiently seconded.

**YEAS 188 NAYS 132****YEAS 188****BELKNAP**

Arsenault, Beth

Morrison, Gail

Pilliod, James

Reever, Judith

**CARROLL**

Bridgham, Robert  
Knox, J. David

Butler, Edward  
Martin, James

Cunningham, Howard

Heard, Virginia

**CHESHIRE**

Allen, Peter  
Butynski, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

Burridge, Delmar  
Chase, William  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

Butcher, Suzanne  
Eaton, Daniel  
Parkhurst, Henry  
Robertson, Timothy

Butterworth, Timothy  
Espieffs, Peter  
Plifka, Stanley Jr  
Sad, Tara

**COOS**

Hatch, William

Merrick, Evalyn

**GRAFTON**

Aguiar, James  
Estes, Carole  
Lovett, Sid  
Pierce, David

Almy, Susan  
Friedrich, Carol  
Matheson, Robert  
Preston, Philip

Andersen, Gene  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Benn, Bernard  
Laliberte, Suzanne  
Nordgren, Sharon

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Edwards, Andrew  
Garritty, Patrick  
Haley, Robert  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Mack, Ron  
Movsesian, Lori  
Rosenwald, Cindy  
Shaw, Barbara  
Spaulding, Jayne  
Winters, Joel

Beaulieu, Jane  
Cote, David  
Essex, David  
Goley, Jeffrey  
Hall, Betty  
Jean, Claudette  
Knowles, John  
Levasseur, Nickolas  
Marshall, Seth  
O'Neil, James  
Scannell, David  
Shaw, Kimberly  
Spratt, Stephen

Beck, Catriona  
Cote, Peter  
Fontas, Jeffrey  
Gorman, Mary  
Hammond, Jill  
Johnson, Stephen  
Knowles, Mary Ann  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
Pilotte, Maurice  
Schulze, Joan  
Simon, Anthony  
Sullivan, Daniel

Brunelle, Michael  
Daler, Jennifer  
Foster, Linda  
Hackel, Paul  
Hebert, Roger  
Kaelin, Michael  
Kopka, Angeline  
Long, Patrick  
Mesa, Lily  
Reuschel, Michael  
Shattuck, Gilman  
Smith, David  
Sysyn, Mary

**MERRIMACK**

Baxley, Maureen  
Clarke, Claire  
Ehlers, Eileen  
Kjellman, Eleanor Glynn  
Potter, Frances  
Shurtleff, Stephen  
Webb, Leigh

Beauchesne, Suzanne  
Davis, Frank  
Foose, Robert  
McMahon, Patricia  
Reardon, Tara  
Tupper, Frank  
Wheeler, Deborah

Brown, Carole  
DeJoie, John  
French, Barbara  
Owen, Derek  
Richardson, Gary  
Wallner, Mary  
Williams, Robert

Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Porter, Margaret  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Cali-Pitts, Jacqueline  
Flockhart, Eileen  
Katsakiores, George  
Lister, Charlotte  
McKenna, Daniel  
Pantelakos, Laura  
Serlin, Christopher

Borden, David  
Casey, Kimberley  
Gleason, John  
Kelley, Jane  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Snow, Richard

Brown, C. Pennington  
Day, Judith  
Henson, John  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Robertson, Carl  
Splaine, James

Buxton, Donald  
DiFruscia, Anthony  
Howard, Doreen  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Russell, Trinka

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Hofemann, Roland  
Miller, Joseph  
Schmidt, Peter  
Wall, Janet

Billian, Deborah  
Domingo, Baldwin  
Hubbard, Pamela  
Perry, Robert  
Spang, Judith  
Watson, Robert

Burke, Rachel  
Fargo, Thomas  
Kaen, Naida  
Rollo, Michael  
Smec, Robert

Cyr, James  
Goodwin, Earle  
Knowles, William  
Rous, Emma  
Vachon, Dennis

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Skinder, Carla

Converse, Larry  
Gottling, Suzanne

Donovan, Thomas  
Jillette, Arthur Jr

Franklin, Peter  
Phinizy, James

**NAYS 132****BELKNAP**

Boyce, Laurie  
Nedeau, Stephen  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Heald, Bruce  
Thomas, John  
Whalley, Michael

Millham, Alida  
Tilton, Franklin

**CARROLL**

Ahlgren, Christopher  
Denley, William

Brown, Carolyn  
Morrow, Harry

Buco, Thomas  
Patten, Betsey

Chandler, Gene  
Stevens, Stanley

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

**COOS**

King, Frederick  
Theberge, Robert

Mears, Edgar  
Tholl, John Jr

Remick, William  
Thomas, Yvonne

Stohl, Eric

**GRAFTON**

Bulis, Lyle  
Ingbertson, Paul

Cooney, Mary  
McLeod, Martha

Dingman, Vernon III  
Sorg, Gregory

Gionet, Edmond  
Williams, Burton

**HILLSBOROUGH**

Batula, Peter  
Clark, Mark  
Day, Russell  
Gargas, Carolyn  
Haefner, Robert  
Hogan, Edith  
Kurk, Neal  
O'Connell, Timothy  
Reeves, Sandra  
Stepanek, Stephen  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Coughlin, Pamela  
Dokmo, Cynthia  
Ginsburg, Ruth  
Hansen, Ryan  
Holden, Randolph  
McRae, Karen  
Ober, Russell III  
Renzullo, Andrew  
Tahir, Saghir

Christensen, Chris  
Crane, Elenore Casey  
Drisko, Richard  
Goyette, Peter  
Hawkins, Ken  
Infantine, William  
Mooney, Maureen  
Peterson, Andy  
Rowe, Robert  
Ulery, Jordan

Christiansen, Lars  
Daniels, Gary  
Elliott, Nancy  
Graham, John  
Hinkle, Peyton  
Jasper, Shawn  
Moran, Edward  
Price, Pamela  
Soucy, Connie  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Kidder, David  
Reed, Dennis

Bouchard, Candace  
Lockwood, Priscilla

Hess, David  
MacKay, James

Humphries, Charlie  
Osborne, Jessie

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Dumaine, Dudley  
Flanders, John Sr  
Guthrie, Joseph  
Introne, Robert  
Katsakiores, Phyllis  
Nowe, Ronald  
Quandt, Matthew  
Waterhouse, Kevin  
Weyler, Kenneth

Baldasaro, Alfred  
Camm, Kevin  
Elliott, Robert  
Garritty, James  
Headd, James  
Itse, Daniel  
Lund, Howie  
Packard, Sherman  
Reagan, John  
Weare, Everett  
Winchell, George

Bedrick, Jason  
Carson, Sharon  
Emiro, Frank  
Gould, Kenneth  
Hopfgarten, Paul  
Johnson, Robert  
Major, Norman  
Priestley, Anne  
Sanders, Elisabeth  
Welch, David

Belanger, Ronald  
Charron, Gene  
Fesh, Bob  
Griffin, Mary  
Ingram, Russell  
Kappler, Lawrence  
McMahon, Charles  
Quandt, Marshall  
Stiles, Nancy  
Wells, Roger

**STRAFFORD**

None

**SULLIVAN**

Ferland, Brenda                      Rodeschin, Beverly  
and the majority committee amendment was adopted.  
Majority committee report adopted and ordered to third reading.

**SB 123**, relative to pole attachments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jacqueline A. Cali-Pitts for the Majority of Science, Technology and Energy: The bill is very simple and uncomplicated giving the Public Utilities Commission the authority to hear and resolve complaints concerning pole attachments relative to rates, charges, terms, conditions, voluntary agreements, or denial of attachments. The bill streamlines the pole attachments question as it will be handled on the state level and not in Washington. Vote 12-3.

Rep. John H. Thomas for the Minority of Science, Technology and Energy: The minority of the committee opposes this bill because the process is not broken. Basically we are talking about private contracts between private entities. There is a process of review and appeal at the Federal Communications Commission (FCC) and we have had testimony that the FCC has not heard a case in 10 years. On the local level, when an attachment rate is in dispute there is the court system to appeal to as in any private contract case.

**Majority Amendment (1894h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Pole Attachments. Amend RSA 374 by inserting after section 34 the following new subdivision:

**Pole Attachments****374:34-a Pole Attachments.**

I. In of this subdivision, a "pole" means any pole, duct, conduit, or right-of-way that is used for wire communications or electricity distribution and is owned in whole or in part by a public utility, including a rural electric cooperative for which a certificate of deregulation is on file with the commission pursuant to RSA 301:57.

II. Whenever a pole owner is unable to reach agreement with a party seeking pole attachments, the commission shall regulate and enforce rates, charges, terms, and conditions for such pole attachments, with regard to the types of attachments regulated under 47 U.S.C. section 224, to provide that such rates, charges, terms, and conditions are just and reasonable. This authority shall include but not be limited to the state regulatory authority referenced in 47 U.S.C. section 224(c).

III. The commission shall adopt rules under RSA 541-A to carry out the provisions of this section, including appropriate formula or formulae for apportioning costs.

IV. In exercising its authority under this subdivision, the commission shall consider the interests of the subscribers and users of the services offered via such attachments, as well as the interests of the consumers of any pole owner providing such attachments.

V. Nothing in this subdivision shall prevent parties from entering into pole attachment agreements voluntarily, without commission approval.

VI. Any pole owner shall provide nondiscriminatory access to its poles for the types of attachments regulated under this subdivision. A pole owner may deny access to its poles on a non-discriminatory basis where there is insufficient capacity and for reasons of safety, reliability, and generally applicable engineering purposes.

VII. The commission shall have the authority to hear and resolve complaints concerning rates, charges, terms, conditions, voluntary agreements, or any denial of access relative to pole attachments.

2 Adoption of Rules. The public utilities commission shall expeditiously adopt interim rules and then final rules to carry out the provisions of RSA 374:34-a. For a period of at least 2 years after the effective date of this act, the rules shall be consistent with the regulations adopted by the Federal Communications Commission under 47 U.S.C. section 224, including the formulae used to determine maximum just and reasonable rates. The public utilities commission may incorporate into its rules, by reference, applicable regulations of the Federal Communications Commission. Notwithstanding RSA 541-A:19, X, the interim rules may be effective for up to 2 years. Once the interim rules are adopted, pole attachments shall become subject to RSA 374:34-a and the rules of the public utilities commission.

3 Effective Date. This act shall take effect upon passage.  
 Majority committee amendment adopted.  
 Majority committee report adopted and ordered to third reading.

**SB 140**, relative to transmission upgrades, the process for siting renewable generation facilities, and the study of demand response programs and distributed generation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael A. Kaelin for the Majority of Science, Technology and Energy: This bill addresses the process for approval of renewable energy systems. The bill directs the PUC to advocate for New Hampshire interests to FERC and other federal and regional bodies, and to address transmission line upgrades with the regional utility organizations. Moreover, it enables the Site Evaluation Committee to streamline its rules for new renewable energy facilities. It also changes the representation on the State Energy Policy Commission from 4 to 8 House members, and adds the study of energy conservation, enhancing renewable energy, various technical issues related to demand management, and whether to allow distribution companies to invest in small scale renewable systems. Vote 10-6.

Rep. John H. Thomas for the Minority of Science, Technology and Energy: This bill, originally, was meant to stimulate the lost economy of the northern part of New Hampshire. It also named Public Service of New Hampshire (PSNH) as one of the companies to invest in or build a wood fired generation electric generation facility in the North Country for the simple reason they have been there and done that very successfully at their Schiller Station in Portsmouth. When the bill arrived in the House, all reference to PSNH had been removed. By omission of PSNH as a generator it took away the fastest resource to stimulating the economy and took 70% of the rate payers out of the financial benefits of new generation. Those financial benefits in the form of renewable energy credits, federal renewable energy tax credits and forward capacity market funds are considerable and by New Hampshire law returned to the rate payer in the case of a regulated utility. In the case of a merchant generator those benefits go to the shareholder, most of whom are out of state and out of country. Except for the site evaluation language and the increase in membership of the state energy policy commission, the rest of the bill is moot. All transmission is controlled by the Federal Energy Regulatory Commission and the Independent Systems Operators, New England so the NH PUC already does what the bill, as amended by the committee, tells them to do. The minority also agrees with the proposed amendment that brought PSNH and Unital Corp back into the game. Unital, though not included in current law, brought forward an investment proposal in private generation which received bi-partisan support in the committee. This is a strong indication that this is a rate payer issue not a party issue. Because of the complexity of generation, regulation and deregulation, transmission, site evaluation, and financial implications the committee voted 8 to 8 to retain the bill prior to the final committee vote.

### **Majority Amendment (1939h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Transmission Infrastructure; Action by Public Utilities Commission. It is in the public interest and to the benefit of New Hampshire to encourage the development of renewable energy. In order to develop substantial electric generation from renewable energy, existing transmission infrastructure, particularly in the northern part of the state, will need to be upgraded or replaced or new transmission facilities will need to be built. Appropriate upgrades to the transmission infrastructure are important to economic development. The public utilities commission, in furtherance of its duties under RSA 374-F:8, shall facilitate discussions among parties interested in the upgrade of electricity transmission in the northern part of the state. The public utilities commission shall file a report with the general court by December 1, 2007 that describes: the existing electricity transmission system in New Hampshire; the current process for siting, constructing, and financing transmission upgrades and expansion; the approximate costs of potentially appropriate transmission upgrades; approaches pursued by other states to encourage transmission expansion related to renewable generation; and actions the public utilities commission has taken to advance New Hampshire interests with respect to transmission.

2 Public Utilities Commission Participation in Regional and National Activities. RSA 374-F:8 is repealed and reenacted to read as follows:

374-F:8 Participation in Regional Activities. The commission shall advocate for New Hampshire interests before the Federal Energy Regulatory Commission and other regional and federal bodies.

The commission shall participate in the activities of the New England Conference of Public Utility Commissioners, the National Association of Regulatory Utility Commissioners, and the New England States Committee on Electricity, or other similar organizations, and work with the New England Independent System Operator and NEPOOL to advance the interests of New Hampshire with respect to wholesale electric issues, including policy goals relating to fuel diversity, renewable energy, and energy efficiency, and to assure nondiscriminatory open access to a safe, adequate, and reliable transmission system at just and reasonable prices.

3 New Paragraph; Definitions. Amend RSA 162-H:2 by inserting after paragraph XI the following new paragraph:

XII. "Renewable energy facility" means electric generating station equipment and associated facilities designed for, or capable of, operation at a nameplate capacity of greater than 30 megawatts but less than 120 megawatts and powered by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy. "Renewable energy facility" shall also include electric generating station equipment and associated facilities of 30 megawatts or less nameplate capacity but at least 5 megawatts which the committee determines requires a certificate, consistent with the findings and purposes set forth in RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

4 Site Evaluation Committee. Amend RSA 162-H:3 to read as follows:

162-H:3 Site Evaluation Committee. The site evaluation committee shall consist of the commissioner of the department of environmental services or assistant commissioner as designee, the director of the division of water, the commissioner of the department of resources and economic development or the director of the division of economic development as designee, the commissioner of the department of health and human services or one of the 2 most senior administrators within the department responsible for management of public health services as designee, the executive director of the fish and game department, the director of the office of energy and planning *or deputy director as designee*, the director of the division of parks and recreation, the director of the division of forests and lands, the director of the division of air resources, the ~~[director of the governor's office of energy and community services or deputy director as designee, the]~~ commissioner of the department of transportation or assistant commissioner as designee, the commissioners of the public utilities commission, and a staff engineer designated by the commissioners of the public utilities commission. The commissioner of the department of environmental services shall be chairperson of the committee, and the chairperson of the public utilities commission shall be vice-chairperson.

5 New Paragraph; Site Evaluation Committee; Review of Renewable Energy Projects. Amend RSA 162-H:4 by inserting after paragraph IV the following new paragraph:

V.(a) The committee shall file with the director of legislative services initial proposed procedural rules no later than December 31, 2007, that, to the extent practicable, streamline the filing requirements for renewable energy facilities. Prior to the effective date of such procedural rules, the committee shall consider applications by applying the attorney general's model procedural rules under RSA 541-A:30-a, V.

(b) Once an application has been accepted in accordance with RSA 162-H:6-a, the chairperson shall designate a subcommittee of no fewer than 7 members that shall consider and approve or reject all applications for renewable energy facilities. The subcommittee shall include the chairperson or the vice-chairperson of the committee, and at least 3 members selected from among the department of environmental services, the department of resources and economic development, and the fish and game department. A majority vote of the subcommittee shall be sufficient to issue a certificate, issue a certificate with conditions, or deny a certificate under this chapter. With the exception of the chairperson or vice-chairperson, each member of the committee may designate an employee from his or her agency to assume his or her responsibilities as a subcommittee member for the purposes of this subparagraph, provided that such designee shall be a senior administrator within the agency, department, or division that the member represents under RSA 162-H:3. To the extent that they do not conflict with the provisions of this subparagraph or RSA 162-H:6-a, all other provisions of this chapter shall apply to the review of a renewable energy facility.

6 New Section; Time Frames for Review of Renewable Energy Projects. Amend RSA 162-H by inserting after section 6 the following new section:

162-H:6-a Time Frames for Review of Renewable Energy Facilities.

I. Upon the filing of an application for a certificate for a renewable energy facility, the chairperson shall expeditiously forward to each of the other state agencies having jurisdiction, under state or federal law, to regulate the construction or operation of the proposed facility, a copy of the parts of the application that are relevant to its jurisdiction. Upon the filing of the copy, each of the other state agencies shall conduct a preliminary review as described in RSA 162-H:7, IV. To qualify for the time frames for review specified in this section, an application for a renewable energy facility shall include testimony, exhibits, and sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate the construction or operation of the proposed facility, and shall include each agency's completed application forms.

II. Upon the filing of an application for a certificate for a renewable energy facility, the chairperson or designee shall expeditiously conduct a preliminary review to ascertain whether the application contains sufficient information to carry out the purposes of this chapter. The chairperson or designee shall require as much information as he or she deems necessary to review the application and may take other administrative or procedural actions on behalf of the committee to aid in the orderly conduct of the proceeding.

III. The chairperson of the committee or designee shall decide whether or not to accept the application within 30 days of filing. Once an application has been accepted the chairperson shall designate a subcommittee as provided in RSA 162-H:4, V.

IV. After acceptance of the application, the subcommittee, upon 30 days notice, shall promptly hold at least one public hearing in each county in which the proposed facility is to be located.

V. All participating state agencies shall report their progress to the subcommittee within 90 days of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision.

VI. All participating state agencies shall make and submit to the subcommittee a final decision on the parts of the application that relate to its jurisdiction, no later than 180 days after the application has been accepted.

VII. Within 30 days of the submission of final decisions under paragraph VI, the subcommittee shall hold a public hearing on the merits of the application, which shall be part of an adjudicative proceeding as provided under RSA 162-H:10, II. At such public hearing, the subcommittee shall hear testimony and receive evidence submitted on behalf of the applicant, any intervenors, agencies with jurisdiction, and members of the public represented by counsel for the public appointed under RSA 162-H:9. At such public hearing the subcommittee may also receive comment from any member of the public on the application.

VIII. Within 240 days of the acceptance of an application, the subcommittee shall issue or deny a certificate for a renewable energy facility.

IX. If the subcommittee at any time during its deliberations relative to an application for a certificate deems it to be in the public interest, it may temporarily suspend its deliberations and enlarge the time frame established under this section to issue or deny a certificate.

7 Public Hearings. Amend RSA 162-H:10, II to read as follows:

II. Except for informational hearings, subsequent hearings shall be in the nature of ~~[adversary]~~ **adjudicative** proceedings and may be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee. The committee shall give adequate public notice of the time and place of each subsequent session.

8 State Energy Policy Commission; Membership. Amend 2006, 257:2, I(b) to read as follows:

(b) ~~[Four]~~ **Eight** members of the house of representatives, **at least 4 of whom shall be members of the science, technology and energy committee**, appointed by the speaker of the house of representatives.

9 New Paragraphs; State Energy Policy Commission; Duties. Amend 2006, 257:3 by inserting after paragraph V the following new paragraphs:

VI. Whether the state should allow electric distribution companies to invest in small scale generation resources as part of a strategy for balancing load and distribution, reducing transmission line losses, minimizing transmission and distribution costs, improving energy conservation, and enhancing renewable energy.

VII. Demand management and response mechanisms and programs.



10 Report. Amend RSA 2006, 257:5 to read as follows:

257:5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library in the form of [an] interim [report] reports on or before December 1, 2006 and December 1, 2007 and a final report on or before December 1, [2007] 2008.

11 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

I. Defines "renewable energy facility."

II. Extends the powers of the site evaluation committee.

III. Establishes time frames for reviewing applications for renewable energy facilities.

IV. Expands the duties of the state energy policy commission.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. John Thomas spoke against and yielded to questions.

Rep. Kaelin spoke in favor and yielded to questions.

On a division vote, 237 members having voted in the affirmative and 83 in the negative, the majority committee report was adopted.

Ordered to third reading.

Rep. Reardon declared a conflict of interest on *SB 140* and did not participate.

***SB 223-FN***, establishing a New Hampshire medal of honor. **OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for the Majority of State-Federal Relations and Veterans Affairs: This bill establishes the New Hampshire medal of honor for families of New Hampshire citizens who died in the "War on Terror" and service members stationed with a New Hampshire based military unit by Department of Defense orders and deployed to the war zone under Department of Defense direction at the time of his or her death. The bill came to the committee with the best of intentions but had some very serious flaws which the committee worked long and hard to correct. First and most important, the young Marine who lost his life in Afghanistan and who served as the driving force for the creation of this medal would not have been eligible to receive the medal because he was not killed in action, but rather he died in a vehicle accident. Under Marine Corps policy, his family did not receive the Purple Heart with the black line. The committee heard of other young service members who lost their lives in hazardous, realistic, pre-deployment training who would not be eligible to receive the medal. While a New Hampshire citizen, serving in the French Foreign Legion or the Israel Defense Force could be eligible. An Air Force pilot flying from North Dakota on a bombing mission who crashes prior to entering or after leaving the combat zone would not be eligible. Furthermore, since an important point was made concerning the "War on Terror," the date was changed from Jan 1, 1991; the start of Operation Desert Storm, to Nov 4, 1979, when the U.S. Embassy located in Tehran, Iran was attacked. Any New Hampshire service member killed in the "line of duty" would be eligible regardless if his or her untimely death occurred in the Beirut bombing, the barracks bombing in Saudi Arabia, or the attacks on U.S. embassies in Africa or the Philippines. The committee understood that every death occurring in the "line of duty" during the "War on Terror" must have equal value. Additionally, the committee wanted to make absolutely sure that the New Hampshire medal of honor was neither confused with our nation's highest military award for valor on the battlefield nor degraded or devalued that award in any shape, form or manner. The "Medal of Honor" is for the service member and his or her fellow service members. The New Hampshire medal of honor is for the family only, a small token that goes a short way to help ease the pain. The committee had grave concerns with the possibility that while we were taking action to honor the families who had suffered a loss, a parent who had to bury a child, a spouse who became a widow and or a child who became fatherless, if we were allowing an opportunity for protestors to invade the privacy of those final moments before the casket is lowered into the ground. The committee heard from many people from both sides of the debate when someone's right to privacy overrules someone's first amendment right to protest. People who stated that first amendment rights are very important said there were three rules the Supreme Court would look at. First is the requirement that it must be neutral. The committee amendment meets that requirement

as it covers all funerals. Second, it could not be overly broad. The amendment meets that requirement by matching federal law limiting the ban to 150 feet from the road entering the place of burial and/or 300 feet from the grave site. Third, it was stated the law had to spell out what was an unlawful protest and the committee amendment did that. It is firmly felt that New Hampshire's prohibition on funeral protests not only meets all the Supreme Court requirements, but it could serve as a model for other states. Vote 13-2.

Rep. Frank R. Emiro for the Minority of State-Federal Relations and Veterans Affairs: The minority opposes the "Ought to pass with amendment" because we believe that it should be split into two distinct bills. The Medal of Honor is a distinct decoration awarded by the President of the United States to a recipient for gallantry and sacrifice with no regard to his or her personal well-being. On the other hand, the proposed New Hampshire medal of honor would be given to the family of any New Hampshire resident who died in service to our country while serving on active duty with our armed forces. It is strongly believed that such an award deserves its own distinct title. The minority firmly believes the Medal of Honor should not be imitated or mimicked in any way. The funeral issue, while of grave importance, should be considered separately. Let's give both issues the attention they deserve.

### **Majority Amendment (1837h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a New Hampshire medal of honor and prohibiting funeral protests.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; New Hampshire Medal of Honor. Amend RSA 110-B by inserting after section 80 the following new subdivision:

#### **New Hampshire Medal of Honor**

110-B:81 New Hampshire Medal of Honor.

I. There is established a New Hampshire medal of honor, which may be awarded on behalf of the people of the state of New Hampshire to any New Hampshire citizen who has given his or her life while in the line of duty to protect and preserve the rights and freedoms of the people of New Hampshire on or after November 4, 1979, and while:

- (a) Engaged in an action against an enemy of the United States.
- (b) Engaged in military operations involving conflict with an opposing foreign force.
- (c) Assigned as military personnel to friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.
- (d) Serving in a combat zone as designated by Presidential order.
- (e) Engaged in training in preparation for deployment to a combat zone as designated by Presidential order.

- (f) Serving in the military and killed as a result of a terrorist act.

II. The adjutant general shall cause the name of a recipient of the New Hampshire medal of honor to be entered on a New Hampshire medal of honor roll.

III. Individuals eligible to receive the New Hampshire medal of honor include:

- (a) Members of the New Hampshire national guard at the time they were killed.
- (b) Members of the United States military reserves who were legal residents of New Hampshire at the time they were killed.
- (c) Members of the United States armed forces who were:
  - (1) Legal residents of New Hampshire at the time they were killed.
  - (2) Stationed in New Hampshire by a proper order of the United States Department of Defense at the time they were killed.

IV. The New Hampshire medal of honor shall be awarded, with the recommendation of the adjutant general, by a joint resolution introduced by the president of the senate, the speaker of the house of representatives, or the senator or a member of the house of representative representing the town or city of residence of the individual killed.

V. The adjutant general, with the approval of the governor and council, shall design and provide for the manufacture of the New Hampshire medal of honor. The adjutant general shall design and maintain a New Hampshire medal of honor roll, which shall be available for public viewing.

VI. The governor shall present the New Hampshire medal of honor awarded under this section to the family members of the recipient.

2 New Section; Prohibition on Funeral Protests. Amend RSA 644 by inserting after section 2-a the following new section:

**644:2-b Prohibition on Funeral Protests.**

I. In this section, "funeral" means the ceremonies, processions, and memorial services held in connection with the burial or cremation of the dead.

II. It shall be unlawful for any person to engage in picketing or other protest activities at any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral, if such picketing or other protest activities:

(a) Take place within 150 feet of a road, pathway, or other route of ingress to or egress from cemetery property and include, as part of such activities, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral, memorial service, or ceremony; or

(b) Are within 300 feet of such cemetery and impede the access to or egress from such cemetery.

III. Each day on which a violation of this section occurs shall constitute a separate offense. Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in which case the violation is a class A misdemeanor.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a New Hampshire medal of honor which may be awarded on behalf of the citizens of the state of New Hampshire to certain individuals who gave their lives in the line of duty while serving in the military on or after November 4, 1979.

This bill also prohibits picketing or other protest activities at locations where a funeral is held.

### MOTION TO DIVIDE

Rep. Kjellman moved that Sections 1 and 2 of majority committee amendment (1837h) be divided. The Speaker ruled that the majority committee amendment was divisible.

Reps. Kjellman and Winters spoke in favor.

Reps. Roberts and Patrick Garrity spoke against.

On a division vote, 115 members having voted in the affirmative and 207 in the negative, the motion failed.

The question now being adoption of majority committee amendment (1837h).

Reps. Coughlin, Aguiar and Baldasaro spoke in favor.

Rep. Howard requested a roll call; sufficiently seconded.

### YEAS 299 NAYS 21

#### YEAS 299

#### BELKNAP

Arsenault, Beth	Boyce, Laurie	Clark, Charles	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Pilliod, James	Reever, Judith
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

#### CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Butler, Edward
Chandler, Gene	Cunningham, Howard	Denley, William	Heard, Virginia
Knox, J. David	Martin, James	Merrow, Harry	Patten, Betsey
Stevens, Stanley			

#### CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Emerson, Susan	Espiefs, Peter	Hunt, John	Johnson, Jane
Lerandeau, Alfred	Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

**COOS**

Hatch, William  
Remick, William

King, Frederick  
Stohl, Eric

Mears, Edgar  
Tholl, John Jr

Merrick, Evalyn  
Thomas, Yvonne

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Gionet, Edmond  
Lovett, Sid  
Pierce, David  
Williams, Burton

Almy, Susan  
Dingman, Vernon III  
Harding, A Laurie  
Matheson, Robert  
Preston, Philip

Benn, Bernard  
Estes, Carole  
Ingbretson, Paul  
McLeod, Martha  
Solomon, Peter

Bulis, Lyle  
Friedrich, Carol  
Laliberte, Suzanne  
Nordgren, Sharon  
Sorg, Gregory

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Clark, Mark  
Crane, Elenore Casey  
Dokmo, Cynthia  
Essex, David  
Garrity, Patrick  
Goyette, Peter  
Haley, Robert  
Hebert, Roger  
Infantine, William  
Johnson, Stephen  
Knowles, Mary Ann  
Long, Patrick  
Mooney, Maureen  
O'Connell, Timothy  
Peterson, Andy  
Renzullo, Andrew  
Schulze, Joan  
Simon, Anthony  
Stepanek, Stephen  
Tahir, Saghir

Batula, Peter  
Campbell, David  
Cote, David  
Daler, Jennifer  
Drisko, Richard  
Fontas, Jeffrey  
Ginsburg, Ruth  
Graham, John  
Hammond, Jill  
Hinkle, Peyton  
Irwin, Anne-Marie  
Kaelin, Michael  
Kopka, Angeline  
Mack, Ron  
Moran, Edward  
O'Neil, James  
Pilotte, Maurice  
Reuschel, Michael  
Shattuck, Gilman  
Smith, David  
Sullivan, Daniel  
Ulery, Jordan

Beaulieu, Jane  
Christensen, Chris  
Cote, Peter  
Daniels, Gary  
Edwards, Andrew  
Foster, Linda  
Goley, Jeffrey  
Hackel, Paul  
Hansen, Ryan  
Hogan, Edith  
Jasper, Shawn  
Kelley, John  
Kurk, Neal  
Marshall, Seth  
Movsesian, Lori  
Ober, Lynne  
Price, Pamela  
Rosenwald, Cindy  
Shaw, Barbara  
Spaulding, Jayne  
Sullivan, Francis  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Christiansen, Lars  
Coughlin, Pamela  
Day, Russell  
Elliott, Nancy  
Gargas, Carolyn  
Gorman, Mary  
Haefner, Robert  
Hawkins, Ken  
Holden, Randolph  
Jean, Claudette  
Knowles, John  
Lasky, Bette  
McRae, Karen  
O'Brien, Michael Sr  
Ober, Russell III  
Reeves, Sandra  
Rowe, Robert  
Shaw, Kimberly  
Spratt, Stephen  
Sysyn, Mary

**MERRIMACK**

Anderson, Eric  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Richardson, Gary  
Wallner, Mary  
Williams, Robert

Baxley, Maureen  
Clarke, Claire  
Ehlers, Eileen  
Hess, David  
MacKay, James  
Potter, Frances  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

Beauchesne, Suzanne  
Davis, Frank  
Foose, Robert  
Humphries, Charlie  
McMahon, Patricia  
Reardon, Tara  
Shurtleff, Stephen  
Webb, Leigh

Brown, Carole  
DeJoie, John  
French, Barbara  
Kidder, David  
Owen, Derek  
Reed, Dennis  
Tupper, Frank  
Wheeler, Deborah

**ROCKINGHAM**

Abbott, Dennis  
Belanger, Ronald  
Brown, C. Pennington  
Carson, Sharon  
DiFruscia, Anthony  
Flanders, John Sr  
Gould, Kenneth  
Henson, John  
Introne, Robert

Allen, Mary  
Bettencourt, David  
Buxton, Donald  
Casey, Kimberley  
Dumaine, Dudley  
Flockhart, Eileen  
Griffin, Mary  
Hopfgarten, Paul  
Itse, Daniel

Baldasaro, Alfred  
Bishop, Franklin  
Cali-Pitts, Jacqueline  
Charron, Gene  
Elliott, Robert  
Garrity, James  
Guthrie, Joseph  
Howard, Doreen  
Johnson, Robert

Bedrick, Jason  
Borden, David  
Camm, Kevin  
Day, Judith  
Fesh, Bob  
Gleason, John  
Headd, James  
Ingram, Russell  
Kappler, Lawrence

Katsakiores, George  
Lund, Howie  
McEachern, Paul  
Moore, Bennett  
Pantelakos, Laura  
Quandt, Marshall  
Russell, Trink  
Stiles, Nancy  
Wells, Roger

Katsakiores, Phyllis  
Major, Norman  
McKenna, Daniel  
Nord, Susi  
Powers, James  
Quandt, Matthew  
Sanders, Elisabeth  
Waterhouse, Kevin  
Weyler, Kenneth

Kennedy, James  
Marsh, Michael  
McMahon, Charles  
Nowe, Ronald  
Preston, Mark  
Reagan, John  
Snow, Richard  
Weare, Everett  
Winchell, George

Lister, Charlotte  
McCarthy, Linda  
Moody, Marcia  
Packard, Sherman  
Priestley, Anne  
Robertson, Carl  
Splaine, James  
Welch, David

### STRAFFORD

Berube, Roger  
Domingo, Baldwin  
Hubbard, Pamela  
Perry, Robert  
Smith, Marjorie  
Wall, Janet

Billian, Deborah  
Fargo, Thomas  
Kaen, Naida  
Rollo, Michael  
Spang, Judith

Burke, Rachel  
Goodwin, Earle  
Knowles, William  
Rous, Emma  
Srnc, Robert

Cyr, James  
Hofemann, Roland  
Miller, Joseph  
Schmidt, Peter  
Vachon, Dennis

### SULLIVAN

Cloutier, John  
Jillette, Arthur Jr

Donovan, Thomas  
Rodeschin, Beverly

Gagnon, Raymond  
Skinder, Carla

Gottling, Suzanne

### NAYS 21 BELKNAP

Morrison, Gail

### CARROLL

Bridgham, Robert

### CHESHIRE

None

### COOS

None

### GRAFTON

None

### HILLSBOROUGH

Hall, Betty  
Mesa, Lily  
Winters, Joel

Levasseur, Nickolas  
Scannell, David

Lisle, Carolyn  
Soucy, Connie

Matarazzo, Anthony Sr  
Vaillancourt, Steve

### MERRIMACK

Lockwood, Priscilla

### ROCKINGHAM

Emiro, Frank

Kelley, Jane

Kepner, Susan

Serlin, Christopher

### STRAFFORD

DeChane, Marlene

Watson, Robert

### SULLIVAN

Converse, Larry      Franklin, Peter      Phinzy, James  
and the majority committee amendment was adopted.  
Rep. Emiro offered floor amendment (1859h).

**Floor Amendment (1859h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a New Hampshire ultimate sacrifice medal.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; New Hampshire Ultimate Sacrifice Medal. Amend RSA 110-B by inserting after section 80 the following new subdivision:

New Hampshire Ultimate Sacrifice Medal

110-B:81 New Hampshire Ultimate Sacrifice Medal.

I. There is established a New Hampshire ultimate sacrifice medal which may be awarded on behalf of the people of the state of New Hampshire to any New Hampshire citizen who died while in the line of duty to the United States armed forces and while:

- (a) Engaged in an action against an enemy of the United States;
- (b) Engaged in military operations involving conflict with an opposing foreign force;
- (c) Serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; or
- (d) Serving in a combat zone as designated by Presidential order.
- (e) Engaged in training or on duty service.

II. The adjutant general shall cause the name of a recipient of the New Hampshire ultimate sacrifice medal to be entered on a New Hampshire ultimate sacrifice medal roster.

III. Individuals eligible to receive the New Hampshire ultimate sacrifice medal include:

- (a) Members of the New Hampshire national guard at the time they were killed.
- (b) Members of the United States military reserves who were legal residents of New Hampshire at the time they were killed.
- (c) Members of the United States armed forces who were:
  - (1) Legal residents of New Hampshire at the time they were killed; or
  - (2) Stationed in New Hampshire by a proper order of the United States Department of Defense at the time they were killed.

IV. The New Hampshire ultimate sacrifice medal shall be awarded, with the recommendation of the adjutant general, by a joint resolution introduced by the president of the senate, the speaker of the house of representatives, or the senator or a member of the house of representative representing the town or city of residence of the individual killed.

V. The adjutant general, with the approval of the governor and council, shall design and provide for the manufacture of the New Hampshire ultimate sacrifice medal. The adjutant general shall design and maintain a New Hampshire ultimate sacrifice medal roster, which shall be available for public viewing.

VI. The governor shall present the New Hampshire ultimate sacrifice medal awarded under this section to the family members of the recipient.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill establishes a New Hampshire ultimate sacrifice medal which may be awarded on behalf of the citizens of the state of New Hampshire to certain New Hampshire citizens who died while in the line of duty to the United States Armed Forces.

Reps. Emiro and Winters spoke in favor and yielded to questions.

Rep. Lisle spoke against.

Rep. Roberts spoke against and yielded to questions.

**MOTION TO LAY ON THE TABLE**

Rep. Weyler moved that **SB 223-FN**, establishing a New Hampshire medal of honor, be laid on the table.

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

**YEAS 102 NAYS 216**

**YEAS 102  
BELKNAP**

**CARROLL**

Bridgham, Robert  
Knox, J. David

Brown, Carolyn  
Stevens, Stanley

Denley, William

Heard, Virginia

**CHESHIRE**

Butcher, Suzanne

Espieffs, Peter

Parkhurst, Henry

Robertson, Timothy

**COOS**

Stohl, Eric

**GRAFTON**

Aguiar, James  
Ingbretson, Paul  
Solomon, Peter

Andersen, Gene  
Lovett, Sid

Cooney, Mary  
Matheson, Robert

Gionet, Edmond  
Mulholland, Catherine

**HILLSBOROUGH**

Beck, Catriona  
Dokmo, Cynthia  
Hammond, Jill  
Jean, Claudette  
Long, Patrick  
Ober, Russell III  
Shattuck, Gilman  
Smith, David  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Fontas, Jeffrey  
Hansen, Ryan  
Kurk, Neal  
Matarazzo, Anthony Sr  
Peterson, Andy  
Shaw, Barbara  
Soucy, Connie  
Winters, Joel

Christensen, Chris  
Ginsburg, Ruth  
Holden, Randolph  
Levasseur, Nickolas  
Moran, Edward  
Pilotte, Maurice  
Shaw, Kimberly  
Ulery, Jordan

Clark, Mark  
Goyette, Peter  
Jasper, Shawn  
Lisle, Carolyn  
O'Neil, James  
Renzullo, Andrew  
Simon, Anthony  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Kjellman, Eleanor Glynn  
Porter, Margaret

Brown, Carole  
Lockwood, Priscilla  
Wheeler, Deborah

Ehlers, Eileen  
MacKay, James  
Williams, Robert

Kidder, David  
Osborne, Jessie

**ROCKINGHAM**

Borden, David  
Camm, Kevin  
Guthrie, Joseph  
Lund, Howie  
Moore, Bennett  
Serlin, Christopher  
Weyler, Kenneth

Brown, C. Pennington  
DiFruscia, Anthony  
Ingram, Russell  
McCarthy, Linda  
Nowe, Ronald  
Splaine, James  
Winchell, George

Buxton, Donald  
Emiro, Frank  
Kappler, Lawrence  
McEachern, Paul  
Quandt, Matthew  
Stiles, Nancy

Cali-Pitts, Jacqueline  
Gleason, John  
Kelley, Jane  
Moody, Marcia  
Robertson, Carl  
Wells, Roger

**STRAFFORD**

Brown, Julie  
Schmidt, Peter

Burke, Rachel  
Vachon, Dennis

Cyr, James  
Watson, Robert

Perry, Robert

**SULLIVAN**

Franklin, Peter

Rodeschin, Beverly

**NAYS 216****BELKNAP**

Arsenault, Beth  
Morrison, Gail  
Russell, David  
Whalley, Michael

Boyce, Laurie  
Nedeau, Stephen  
Thomas, John

Clark, Charles  
Pilliod, James  
Tilton, Franklin

Heald, Bruce  
Reever, Judith  
Tobin, William

**CARROLL**

Ahlgren, Christopher  
Cunningham, Howard

Buco, Thomas  
Martin, James

Butler, Edward  
Merrow, Harry

Chandler, Gene  
Patten, Betsey

**CHESHIRE**

Burridge, Delmar  
Dunn, J. Timothy  
Johnson, Jane  
Plifka, Stanley Jr  
Weber, Lucy

Butterworth, Timothy  
Eaton, Daniel  
Lerandeau, Alfred  
Richardson, Barbara  
Weed, Charles

Butynski, William  
Emerson, Susan  
Mitchell, Bonnie  
Roberts, Kris

Chase, William  
Hunt, John  
Pelkey, Stephen  
Sad, Tara

**COOS**

Hatch, William  
Tholl, John Jr

King, Frederick  
Thomas, Yvonne

Mears, Edgar

Remick, William

**GRAFTON**

Almy, Susan  
Friedrich, Carol  
Nordgren, Sharon  
Williams, Burton

Benn, Bernard  
Harding, A Laurie  
Pierce, David

Dingman, Vernon III  
Laliberte, Suzanne  
Preston, Philip

Estes, Carole  
McLeod, Martha  
Sorg, Gregory

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Coughlin, Pamela  
Drisko, Richard  
Foster, Linda  
Gorman, Mary  
Haley, Robert  
Hinkle, Peyton  
Johnson, Stephen  
Knowles, Mary Ann  
Marshall, Seth  
Movesian, Lori  
Reeves, Sandra  
Scannell, David  
Stepanek, Stephen  
Tahir, Saghir

Batula, Peter  
Christiansen, Lars  
Crane, Elenore Casey  
Edwards, Andrew  
Gargas, Carolyn  
Graham, John  
Hall, Betty  
Hogan, Edith  
Kaelin, Michael  
Kopka, Angeline  
McRae, Karen  
O'Brien, Michael Sr  
Reuschel, Michael  
Schulze, Joan  
Sullivan, Daniel

Beaulieu, Jane  
Cote, David  
Daniels, Gary  
Elliott, Nancy  
Garrity, Patrick  
Hackel, Paul  
Hawkins, Ken  
Infantine, William  
Kelley, John  
Lasky, Bette  
Mesa, Lily  
Ober, Lynne  
Rosenwald, Cindy  
Spaulding, Jayne  
Sullivan, Francis

Brunelle, Michael  
Cote, Peter  
Day, Russell  
Essex, David  
Goley, Jeffrey  
Haefner, Robert  
Hebert, Roger  
Irwin, Anne-Marie  
Knowles, John  
Mack, Ron  
Mooney, Maureen  
Price, Pamela  
Rowe, Robert  
Spratt, Stephen  
Sysyn, Mary

**MERRIMACK**

Baxley, Maureen  
Clarke, Claire  
Foose, Robert  
Humphries, Charlie  
Reardon, Tara  
Shurtleff, Stephen  
Yeaton, Charles

Beauchesne, Suzanne  
Davis, Frank  
French, Barbara  
McMahon, Patricia  
Reed, Dennis  
Wallner, Mary

Bouchard, Candace  
DeJoie, John  
Gile, Mary  
Owen, Derek  
Richardson, Gary  
Walz, Mary

Brueggemann, Donald  
DeStefano, Stephen  
Hess, David  
Potter, Frances  
Ryan, Jim  
Webb, Leigh

**ROCKINGHAM**

Abbott, Dennis  
Belanger, Ronald  
Casey, Kimberley  
Dumaine, Dudley  
Flockhart, Eileen  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
Marsh, Michael  
Packard, Sherman  
Priestley, Anne  
Sanders, Elisabeth  
Welch, David

Allen, Mary  
Bettencourt, David  
Charron, Gene  
Elliott, Robert  
Garrity, James  
Henson, John  
Itse, Daniel  
Kennedy, James  
McKenna, Daniel  
Pantelakos, Laura  
Quandt, Marshall  
Snow, Richard

Baldasaro, Alfred  
Bishop, Franklin  
Day, Judith  
Fesh, Bob  
Gould, Kenneth  
Hopfgarten, Paul  
Johnson, Robert  
Lister, Charlotte  
McMahon, Charles  
Powers, James  
Reagan, John  
Waterhouse, Kevin

Bedrick, Jason  
Carson, Sharon  
Devine, James  
Flanders, John Sr  
Griffin, Mary  
Howard, Doreen  
Katsakiores, George  
Major, Norman  
Nord, Susi  
Preston, Mark  
Russell, Trinka  
Weare, Everett



**STRAFFORD**

Berube, Roger  
 Fargo, Thomas  
 Knowles, William  
 Spang, Judith

Billian, Deborah  
 Goodwin, Earle  
 Rollo, Michael  
 Srnec, Robert

DeChane, Marlene  
 Hubbard, Pamela  
 Rous, Emma  
 Wall, Janet

Domingo, Baldwin  
 Kaen, Naida  
 Smith, Marjorie

**SULLIVAN**

Cloutier, John  
 Gottling, Suzanne  
 and the motion failed.

Converse, Larry  
 Jillette, Arthur Jr

Donovan, Thomas  
 Phinizy, James

Gagnon, Raymond  
 Skinder, Carla

The question now being adoption of floor amendment (1859h).  
 Rep. Emiro requested a roll call; sufficiently seconded.

**YEAS 60 NAYS 260****YEAS 60  
 BELKNAP**

Arsenault, Beth

Morrison, Gail

**CARROLL**

Bridgham, Robert

Denley, William

Heard, Virginia

**CHESHIRE**

Butterworth, Timothy

Espieffs, Peter

**COOS**

Hatch, William

**GRAFTON**

Andersen, Gene  
 Lovett, Sid  
 Preston, Philip

Cooney, Mary  
 Matheson, Robert

Friedrich, Carol  
 Mulholland, Catherine

Ingbretson, Paul  
 Pierce, David

**HILLSBOROUGH**

Beck, Catriona  
 Infantine, William  
 Matarazzo, Anthony Sr  
 Shaw, Barbara  
 Winters, Joel

Hall, Betty  
 Kurk, Neal  
 Mesa, Lily  
 Simon, Anthony

Hebert, Roger  
 Levasseur, Nickolas  
 Pilotte, Maurice  
 Soucy, Connie

Holden, Randolph  
 Lisle, Carolyn  
 Scannell, David  
 Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
 Williams, Robert

Ehlers, Eileen

Lockwood, Priscilla

Osborne, Jessie

**ROCKINGHAM**

Cali-Pitts, Jacqueline  
 Guthrie, Joseph  
 Nord, Susi

Devine, James  
 Kelley, Jane  
 Robertson, Carl

Emiro, Frank  
 McEachern, Paul  
 Serlin, Christopher

Flanders, John Sr  
 Moody, Marcia  
 Weyler, Kenneth

**STRAFFORD**

Billian, Deborah  
 Watson, Robert

Burke, Rachel

DeChane, Marlene

Vachon, Dennis

**SULLIVAN**

Converse, Larry

Franklin, Peter

Phinizy, James

Skinder, Carla

**NAYS 260  
 BELKNAP**

Boyce, Laurie  
 Nedeau, Stephen  
 Thomas, John  
 Whalley, Michael

Clark, Charles  
 Pilliod, James  
 Tilton, Franklin

Heald, Bruce  
 Reeve, Judith  
 Tobin, William

Millham, Alida  
 Russell, David  
 Wendelboe, Fran

**CARROLL**

Ahlgren, Christopher  
Chandler, Gene  
Morrow, Harry

Brown, Carolyn  
Cunningham, Howard  
Patten, Betsey

Buco, Thomas  
Knox, J. David  
Stevens, Stanley

Butler, Edward  
Martin, James

**CHESHIRE**

Allen, Peter  
Chase, William  
Hunt, John  
Parkhurst, Henry  
Roberts, Kris  
Weed, Charles

Burridge, Delmar  
Dunn, J. Timothy  
Johnson, Jane  
Pelkey, Stephen  
Robertson, Timothy

Butcher, Suzanne  
Eaton, Daniel  
Lerandeau, Alfred  
Pliifka, Stanley Jr  
Sad, Tara

Butynski, William  
Emerson, Susan  
Mitchell, Bonnie  
Richardson, Barbara  
Weber, Lucy

**COOS**

King, Frederick  
Tholl, John Jr

Mears, Edgar  
Thomas, Yvonne

Remick, William

Stohl, Eric

**GRAFTON**

Aguiar, James  
Estes, Carole  
McLeod, Martha  
Williams, Burton

Almy, Susan  
Gionet, Edmond  
Nordgren, Sharon

Benn, Bernard  
Harding, A Laurie  
Solomon, Peter

Dingman, Vernon III  
Laliberte, Suzanne  
Sorg, Gregory

**HILLSBOROUGH**

Baroody, Benjamin  
Brunelle, Michael  
Clark, Mark  
Crane, Elenore Casey  
Dokmo, Cynthia  
Essex, David  
Garrity, Patrick  
Goyette, Peter  
Haley, Robert  
Hinkle, Peyton  
Jean, Claudette  
Knowles, John  
Long, Patrick  
Mooney, Maureen  
O'Neil, James  
Price, Pamela  
Rosenwald, Cindy  
Shaw, Kimberly  
Stepanek, Stephen  
Tahir, Saghir

Batula, Peter  
Campbell, David  
Cote, David  
Daler, Jennifer  
Drisko, Richard  
Fontas, Jeffrey  
Ginsburg, Ruth  
Graham, John  
Hammond, Jill  
Hogan, Edith  
Johnson, Stephen  
Knowles, Mary Ann  
Mack, Ron  
Moran, Edward  
Ober, Lynne  
Reeves, Sandra  
Rowe, Robert  
Smith, David  
Sullivan, Daniel  
Ulery, Jordan

Beaulieu, Jane  
Christensen, Chris  
Cote, Peter  
Daniels, Gary  
Edwards, Andrew  
Foster, Linda  
Goley, Jeffrey  
Hackel, Paul  
Hansen, Ryan  
Irwin, Anne-Marie  
Kaelin, Michael  
Kopka, Angeline  
Marshall, Seth  
Movsesian, Lori  
Ober, Russell III  
Renzullo, Andrew  
Schulze, Joan  
Spaulding, Jayne  
Sullivan, Francis  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Christiansen, Lars  
Coughlin, Pamela  
Day, Russell  
Elliott, Nancy  
Gargas, Carolyn  
Gorman, Mary  
Haefner, Robert  
Hawkins, Ken  
Jasper, Shawn  
Kelley, John  
Lasky, Bette  
McRae, Karen  
O'Brien, Michael Sr  
Peterson, Andy  
Reuschel, Michael  
Shattuck, Gilman  
Spratt, Stephen  
Sysyn, Mary

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
DeStefano, Stephen  
Hess, David  
MacKay, James  
Potter, Frances  
Ryan, Jim  
Webb, Leigh

Beauchesne, Suzanne  
Clarke, Claire  
Foose, Robert  
Humphries, Charlie  
McMahon, Patricia  
Reardon, Tara  
Shurtleff, Stephen  
Wheeler, Deborah

Bouchard, Candace  
Davis, Frank  
French, Barbara  
Kidder, David  
Owen, Derek  
Reed, Dennis  
Wallner, Mary  
Yeaton, Charles

Brown, Carole  
DeJoie, John  
Gile, Mary  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Richardson, Gary  
Walz, Mary

**ROCKINGHAM**

Abbott, Dennis  
Belanger, Ronald

Allen, Mary  
Bettencourt, David

Baldasaro, Alfred  
Bishop, Franklin

Bedrick, Jason  
Borden, David

Brown, C. Pennington  
Casey, Kimberly  
Dumaine, Dudley  
Garrity, James  
Headd, James  
Ingram, Russell  
Kappler, Lawrence  
Lister, Charlotte  
McCarthy, Linda  
Nowe, Ronald  
Preston, Mark  
Reagan, John  
Splaine, James  
Welch, David

Buxton, Donald  
Charron, Gene  
Elliott, Robert  
Gleason, John  
Henson, John  
Introne, Robert  
Katsakiores, George  
Lund, Howie  
McKenna, Daniel  
Packard, Sherman  
Priestley, Anne  
Russell, Trinka  
Stiles, Nancy  
Wells, Roger

Camm, Kevin  
Day, Judith  
Fesh, Bob  
Gould, Kenneth  
Hopfgarten, Paul  
Itse, Daniel  
Katsakiores, Phyllis  
Major, Norman  
McMahon, Charles  
Pantelakos, Laura  
Quandt, Marshall  
Sanders, Elisabeth  
Waterhouse, Kevin  
Winchell, George

Carson, Sharon  
DiFruscia, Anthony  
Flockhart, Eileen  
Griffin, Mary  
Howard, Doreen  
Johnson, Robert  
Kennedy, James  
Marsh, Michael  
Moore, Bennett  
Powers, James  
Quandt, Matthew  
Snow, Richard  
Weare, Everett

### STRAFFORD

Berube, Roger  
Fargo, Thomas  
Knowles, William  
Schmidt, Peter  
Wall, Janet

Brown, Julie  
Goodwin, Earle  
Perry, Robert  
Smith, Marjorie

Cyr, James  
Hubbard, Pamela  
Rollo, Michael  
Spang, Judith

Domingo, Baldwin  
Kaen, Naida  
Rous, Emma  
Srnc, Robert

### SULLIVAN

Cloutier, John  
Jillette, Arthur Jr  
and floor amendment (1859h) failed.

Donovan, Thomas  
Rodeschin, Beverly

Gagnon, Raymond

Gottling, Suzanne

The question now being adoption of the majority committee report of Ought to Pass with Amendment.  
Rep. Howard requested a roll call; sufficiently seconded.

### YEAS 299 NAYS 22

### YEAS 299

### BELKNAP

Arsenault, Beth  
Millham, Alida  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Nedeau, Stephen  
Thomas, John  
Whalley, Michael

Clark, Charles  
Pilliod, James  
Tilton, Franklin

Heald, Bruce  
Reever, Judith  
Tobin, William

### CARROLL

Ahlgren, Christopher  
Chandler, Gene  
Martin, James

Brown, Carolyn  
Cunningham, Howard  
Merrow, Harry

Buco, Thomas  
Denley, William  
Patten, Betsey

Butler, Edward  
Knox, J. David  
Stevens, Stanley

### CHESHIRE

Allen, Peter  
Butynski, William  
Emerson, Susan  
Mitchell, Bonnie  
Richardson, Barbara  
Weber, Lucy

Burridge, Delmar  
Chase, William  
Hunt, John  
Parkhurst, Henry  
Roberts, Kris  
Weed, Charles

Butcher, Suzanne  
Dunn, J. Timothy  
Johnson, Jane  
Pelkey, Stephen  
Robertson, Timothy

Butterworth, Timothy  
Eaton, Daniel  
Lerandeau, Alfred  
Plifka, Stanley Jr  
Sad, Tara

### COOS

Hatch, William  
Stohl, Eric

King, Frederick  
Tholl, John Jr

Mears, Edgar  
Thomas, Yvonne

Remick, William

### GRAFTON

Aguiar, James  
Dingman, Vernon III

Almy, Susan  
Estes, Carole

Benn, Bernard  
Friedrich, Carol

Cooney, Mary  
Gionet, Edmond

Harding, A Laurie  
Matheson, Robert  
Preston, Philip

Ingbretson, Paul  
McLeod, Martha  
Solomon, Peter

Laliberte, Suzanne  
Nordgren, Sharon  
Sorg, Gregory

Lovett, Sid  
Pierce, David  
Williams, Burton

### HILLSBOROUGH

Baroody, Benjamin  
Bergeron, Jean-Guy  
Christiansen, Lars  
Coughlin, Pamela  
Day, Russell  
Essex, David  
Ginsburg, Ruth  
Graham, John  
Hammond, Jill  
Hinkle, Peyton  
Irwin, Anne-Marie  
Kaelin, Michael  
Kopka, Angeline  
Lisle, Carolyn  
McRae, Karen  
O'Brien, Michael Sr  
Peterson, Andy  
Renzullo, Andrew  
Schulze, Joan  
Simon, Anthony  
Spratt, Stephen  
Sysyn, Mary

Batula, Peter  
Brunelle, Michael  
Clark, Mark  
Crane, Elenore Casey  
Dokmo, Cynthia  
Foster, Linda  
Goley, Jeffrey  
Hackel, Paul  
Hansen, Ryan  
Hogan, Edith  
Jasper, Shawn  
Kelley, John  
Kurk, Neal  
Long, Patrick  
Mooney, Maureen  
O'Neil, James  
Pilotte, Maurice  
Reuschel, Michael  
Shattuck, Gilman  
Smith, David  
Stepanek, Stephen  
Tahir, Saghir

Beaulieu, Jane  
Campbell, David  
Cote, David  
Daler, Jennifer  
Drisko, Richard  
Gargas, Carolyn  
Gorman, Mary  
Haefner, Robert  
Hawkins, Ken  
Holden, Randolph  
Jean, Claudette  
Knowles, John  
Lasky, Bette  
Mack, Ron  
Moran, Edward  
Ober, Lynne  
Price, Pamela  
Rosenwald, Cindy  
Shaw, Barbara  
Soucy, Connie  
Sullivan, Daniel  
Ulery, Jordan

Beck, Catriona  
Christensen, Chris  
Cote, Peter  
Daniels, Gary  
Elliott, Nancy  
Garrity, Patrick  
Goyette, Peter  
Haley, Robert  
Hebert, Roger  
Infantine, William  
Johnson, Stephen  
Knowles, Mary Ann  
Lawrence, James  
Marshall, Seth  
Movsesian, Lori  
Ober, Russell III  
Reeves, Sandra  
Rowe, Robert  
Shaw, Kimberly  
Spaulding, Jayne  
Sullivan, Francis  
Villeneuve, Maurice

### MERRIMACK

Anderson, Eric  
Brown, Carole  
DeJoie, John  
French, Barbara  
Kidder, David  
Owen, Derek  
Reed, Dennis  
Wallner, Mary  
Williams, Robert

Baxley, Maureen  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Richardson, Gary  
Walz, Mary  
Yeaton, Charles

Beauchesne, Suzanne  
Clarke, Claire  
Ehlers, Eileen  
Hess, David  
MacKay, James  
Potter, Frances  
Ryan, Jim  
Webb, Leigh

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Humphries, Charlie  
McMahon, Patricia  
Reardon, Tara  
Shurtleff, Stephen  
Wheeler, Deborah

### ROCKINGHAM

Abbott, Dennis  
Belanger, Ronald  
Brown, C. Pennington  
Carson, Sharon  
Devine, James  
Fesh, Bob  
Gleason, John  
Headd, James  
Ingram, Russell  
Kappler, Lawrence  
Lister, Charlotte  
McCarthy, Linda  
Moody, Marcia  
Packard, Sherman  
Priestley, Anne  
Robertson, Carl  
Splaine, James  
Welch, David

Allen, Mary  
Bettencourt, David  
Buxton, Donald  
Casey, Kimberley  
DiFruscia, Anthony  
Flanders, John Sr  
Gould, Kenneth  
Henson, John  
Introne, Robert  
Katsakiores, George  
Lund, Howie  
McEachern, Paul  
Moore, Bennett  
Pantelakos, Laura  
Quandt, Marshall  
Russell, Trinka  
Stiles, Nancy  
Wells, Roger

Baldasaro, Alfred  
Bishop, Franklin  
Cali-Pitts, Jacqueline  
Charron, Gene  
Dumaine, Dudley  
Flockhart, Eileen  
Griffin, Mary  
Hopfgarten, Paul  
Itse, Daniel  
Katsakiores, Phyllis  
Major, Norman  
McKenna, Daniel  
Nord, Susi  
Powers, James  
Quandt, Matthew  
Sanders, Elisabeth  
Waterhouse, Kevin  
Weyler, Kenneth

Bedrick, Jason  
Borden, David  
Camm, Kevin  
Day, Judith  
Elliott, Robert  
Garrity, James  
Guthrie, Joseph  
Howard, Doreen  
Johnson, Robert  
Kennedy, James  
Marsh, Michael  
McMahon, Charles  
Nowe, Ronald  
Preston, Mark  
Reagan, John  
Snow, Richard  
Weare, Everett  
Winchell, George

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Hubbard, Pamela  
Rollo, Michael  
Spang, Judith  
Watson, Robert

Brown, Julie  
Domingo, Baldwin  
Kaen, Naida  
Rous, Emma  
Srnc, Robert

Burke, Rachel  
Fargo, Thomas  
Knowles, William  
Schmidt, Peter  
Vachon, Dennis

Cyr, James  
Goodwin, Earle  
Perry, Robert  
Smith, Marjorie  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Gottling, Suzanne  
Skinder, Carla

Converse, Larry  
Jillette, Arthur Jr

Donovan, Thomas  
Phiniza, James

Gagnon, Raymond  
Rodeschin, Beverly

**NAYS 22****BELKNAP**

Morrison, Gail

**CARROLL**

Bridgham, Robert

Heard, Virginia

**CHESHIRE**

Espiefs, Peter

**COOS**

None

**GRAFTON**

Andersen, Gene

Mulholland, Catherine

**HILLSBOROUGH**

Edwards, Andrew  
Matarazzo, Anthony Sr  
Winters, Joel

Fontas, Jeffrey  
Mesa, Lily

Hall, Betty  
Scannell, David

Levasseur, Nickolas  
Vaillancourt, Steve

**MERRIMACK**

Lockwood, Priscilla

Osborne, Jessie

**ROCKINGHAM**

Emiro, Frank

Kelley, Jane

Serlin, Christopher

**STRAFFORD**

Billian, Deborah

**SULLIVAN**

Franklin, Peter  
and the majority committee report was adopted.  
Ordered to third reading.

The House recessed at 1:00 p.m.

**RECESS****(Speaker Norelli in the Chair)**

The House reconvened at 2:00 p.m.

**REGULAR CALENDAR-SPECIAL ORDERS (CONT'D)**

**SB 75-FN**, relative to establishing a south central New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael B. O'Brien for the Majority of Transportation: This bill will establish a rail transit authority that will have the responsibility for developing and providing commuter rail and public

rail transportation services in New Hampshire. This idea has been discussed before by members of this body, but has fallen short due to the complexities of the issue. Indeed, numerous studies have been conducted with regard to commuter rail service by various public committees, including the House. One only needs to consider traffic, sprawl and escalating fuel prices to cause us to wonder if we are already behind the times in providing an economic alternative to our commuting public. Nashua has led the way with grants and studies showing a commuter rail venture would be a viable means of transportation. Notwithstanding the leadership of the Gate City in this area, the matter is clearly one of statewide importance and the amendments supplied by the committee broaden the rail authority to include the entire state. This bill, as amended, will provide an authority concerned with rail transportation and is the result of a recommendation of a task force created by the Governor to begin the consequential work of augmenting our transportation system. When the bill appeared before the committee it was presented as a rail system between Nashua and Lowell and it was proposed as the "South Central New Hampshire Rail Authority." Our committee realized a Nashua to Lowell rail system is a priority; however the Authority should be more inclusive of other areas of our state and to contain existing rail ventures, it was renamed the "New Hampshire Rail Authority". The New Hampshire Rail Authority will consist of a delegation of elected officials or their designees. It shall also include members of local regional planning commissions and the Department of Transportation. The Senate and House delegation to the Authority shall consist of the chair of the Senate and House Transportation Committee, and the ranking minority member of both committees. The committee heard substantial testimony regarding the bill and carefully crafted amendments to respond to issues regarding the bonding authority, the land and rights of way process together with the need of stakeholders such as the Manchester-Boston Airport to be included within the authority. Vote 12-4.

Rep. Sherman A. Packard for the Minority of Transportation: The minority of the committee opposes this legislation because it is flawed. We fully support the introduction of passenger rail service in NH. This bill establishes a Rail Transit Authority with absolute autonomy. The bill creates a 25 member board of directors – four of whom are legislative members. That is not legislative oversight. Powers that are granted to the authority include employing assistants, attorneys, experts, inspectors and other employees or consultants the board deems necessary. Acquire property by eminent domain if it follows the procedure set forth by the laws of the State of NH, our Constitution and a resolution of the General Court. There are four resolutions defined in House rules, a joint resolution has the effect of law and there is a CACR. Are we to assume that a simple resolution could suffice as approval of the legislation? Issue bonds for any project, including taking property by eminent domain and paying employee salaries. Conduct or pay to be conducted any studies the authority deems necessary. What must be considered the most egregious part of the bill is the power given to the authority to allow officers, agents or employees the ability to enter upon any lands, waters and premises in the state for the purpose of making surveys, soundings, drillings and examinations it determines necessary. Such entry shall not be deemed a trespass. The authority shall not be subject to regulation by the public utilities commission. It will take hundreds of millions of dollars to re-institute train service in the State of NH. Passenger rail service must be subsidized by local, state and federal funds to be successful. To believe that this authority can be anything but an avenue to waste millions of dollars without a commitment by the state to help pay for the reintroduction of a successful rail service is a complete fallacy. Until a commitment to a funding method to support alternative means of transportation is established this authority will be unable to complete its stated mission.

### **Majority Amendment (1496h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to establishing a New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire.

1 New Chapter; New Hampshire Rail Transit Authority. Amend RSA by inserting after chapter 238 the following new chapter:

#### **CHAPTER 238-A**

#### **NEW HAMPSHIRE RAIL TRANSIT AUTHORITY**

238-A:1 Definitions. In this chapter:

I. "Authority" means the New Hampshire rail transit authority.

II. "Government agency" includes any department, agency, commission, public corporation, bureau, authority, instrumentality, or political subdivision of:

- (a) The United States of America.
- (b) The state of New Hampshire.
- (c) Any state adjacent to New Hampshire.

III. "Municipality" means town as defined in RSA 21:5.

IV. "Regional planning commission" means any commission formed pursuant to RSA 36:46.

V. "Railroad lines" means railroad rights-of-way and any tracks, track appurtenances, ties, ballast, bridges, stations, yards, facilities, and other appurtenant structures located thereon or adjacent thereto.

238-A:2 Authority Established. There is hereby established the New Hampshire rail transit authority which shall be a body both corporate and politic in the state established for the general purpose of developing and providing commuter rail or other similar forms of passenger rail service. It is declared that the purposes of this chapter are public and that the authority shall be regarded as performing an essential governmental function in carrying out this chapter.

238-A:3 Duties. The authority shall take all actions that are reasonably necessary to establish regularly scheduled commuter rail or other similar forms of passenger rail service between points within the state of New Hampshire and points within and adjacent to the state of New Hampshire. These actions may include, but are not limited to:

I. The acquisition, lease, possession, use, operation, repair, renewal, construction, reconstruction, rehabilitation, modernization, rebuilding, relocation, maintenance, and disposition of:

- (a) Railroad lines and related facilities.
- (b) Railroad rolling stock, machinery, and equipment.
- (c) Real and personal property of any kind.

II. The acquisition, lease, license, possession, use, and disposition of any rights in or related to such property, including trackage, operating, maintenance, dispatching, and other contractual rights and services from railroad companies, other transportation service providers, public utilities, private persons, and government agencies including the Massachusetts Bay Transportation Authority.

238-A:4 Membership.

I. The governing body of the authority shall be a board of directors. The board of directors shall have the following members:

- (a) The commissioner of the department of transportation or designee.
- (b) The mayor of the city of Nashua, or designee.
- (c) A designee of the town of Merrimack town council.
- (d) A designee of the town of Bedford town council.
- (e) The mayor of the city of Manchester or designee.
- (f) A designee of the Nashua regional planning commission.
- (g) A designee of the southern New Hampshire planning commission.
- (h) Three members appointed by the governor, one of whom resides in the service area of the authority as established in RSA 238-A:5, I, and 2 of whom are recognized as experts in railroad matters.

(i) The chair of the house transportation committee.

- (j) The ranking minority member of the house transportation committee.
- (k) The chair of the senate transportation and interstate cooperation committee.

(l) The ranking minority member of the senate transportation and interstate cooperation committee.

- (m) The mayor of the city of Concord, or designee.

(n) A designee of the central New Hampshire regional planning commission.

(o) The chair of the Manchester-Boston regional airport board or designee.

(p) The mayor of the city of Dover, or designee.

(q) A designee of the town of Durham town council or university of New Hampshire.

(r) A designee of the town of Exeter board of selectmen.

(s) A designee of the Rockingham planning commission.

(t) A designee of the Strafford regional planning commission.

(u) A designee of the town of Claremont board of selectmen.

(v) A designee of the Upper Valley Lake Sunapee regional planning commission.

(w) A designee of the lakes region planning commission.

(x) The mayor of the city of Franklin or designee.

(y) The mayor of the city of Berlin, or designee.

II. The members of the board of directors appointed by the governor shall serve for a term of 2 years and until a successor has been designated.

238-A:5 Service Area of the Authority.

I. The service area of the authority shall include any town or city in the state of New Hampshire through which commuter rail or other similar forms of passenger rail service operates or may operate.

II. The board of directors shall determine when to expand the service area of the authority. Upon approval of a resolution to expand the service area of the authority, after a properly noticed public hearing, the board of directors shall notify eligible cities, towns, or regional planning commissions of the determination to expand the service area of the authority. A city, town, or regional planning commission may petition the authority to support the development and establishment of commuter rail and related public transportation services within its jurisdiction. The board of directors shall have sole discretion to accept or reject any such petition. When considering an expansion of the service area of the authority the board of directors shall consider support for the proposed passenger or commuter rail project by affected towns, cities, and regional planning commissions, and the completion of an alternatives analysis or major investment study.

III. When the service area of the authority is expanded as identified in RSA 238-A:5, II new members will be added to the board of directors as follows:

(a) One designee for each town or city added to the service area that is not represented on the board of directors.

(b) One designee for each regional planning commission added to the service area that is not represented on the board of directors.

238-A:6 Meetings.

I. The board of directors shall, at the initial meeting of the authority, elect a chairperson and vice-chairperson of the board. The board of directors shall also designate a secretary, treasurer, or other officer as may be necessary to carry out the functions of the board.

II. The authority shall conduct an annual meeting. At such meeting the board of directors shall approve an annual report the authority and elect a chairperson and vice-chairperson of the board.

III. The board of directors may exercise all the powers of the authority in a lawful meeting. A majority of directors then in office shall constitute a quorum. Regular meetings of the board of directors may be established by bylaws.

238-A:7 Conflict of Interest.

I. A director, officer, or employee of the authority shall not acquire any interest, direct or indirect, in any contract or proposed contract of the authority. A director, officer, or employee of the authority shall not participate in any decision on any contract entered into or to be entered into by the authority if that individual has any interest, direct or indirect, in any firm, partnership, corporation, or association that will be party to such a contract or financially involved in any transaction with the authority.

II. The prohibition in paragraph I shall not apply to:

(a) The execution of agreements by banking institutions for the deposit or handling of authority funds in connection with any contract.

(b) Utility services, for which rates are fixed or controlled by a government agency.

(c) Contracts with the department of transportation, a regional planning commission, or any other government agency.

III. The authority shall not:

(a) Employ a person or firm to promote or oppose, directly or indirectly, any legislation pending or proposed before the general court, or to promote or oppose, directly or indirectly, any action by the governor, governor and council, or any agency, as defined in RSA 15-A:2, where such action concerns legislation or contracts pending or proposed before the general court, any pending or proposed administrative rule, or the procurement of goods or services that are being or may be purchased by the state.

(b) Employ or remunerate in any fashion any member of the legislature.

238-A:8 Powers. The authority may:

I. Sue and be sued to the same extent as a town or city under New Hampshire law.

II. Have a seal and alter the seal.



III. Adopt and amend bylaws covering procedure and rules for the purposes of this chapter, develop and adopt rules in accordance with the laws of the state of New Hampshire, publish bylaws and rules as necessary or advisable, and cause records of its proceedings to be kept.

IV. Employ such assistants, attorneys, experts, inspectors, and such other employees and consultants as the board of directors considers necessary for its purposes.

V. Utilize the services and resources of the department of transportation that are available and expedient. All charges for services provided by the department may be paid to it by the authority as mutually agreed upon.

VI. Utilize the services of the Nashua regional planning commission or other regional planning commissions that are available and expedient. All charges for services provided by such commission may be paid to it by the authority as mutually agreed upon.

VII. Acquire any property or property rights through purchase, lease, lease-purchase, gift, contract, devise, or otherwise. In making these acquisitions the authority may exercise the power of eminent domain following the same procedure set forth for similar government agencies under the laws of the state of New Hampshire, provided it is consistent with the purposes established under the New Hampshire constitution and approved by a resolution of the general court.

VIII. Accept gifts, grants, or loans of money or other property, and enter into contracts or other transactions with any federal or state agency, or any other public entity.

IX. Enter into and fulfill any contracts or agreements with public or private transportation operators, government agencies, or other entities for management, operation, or support of public transit services or as the board of directors otherwise deems necessary.

X. Lease the passenger rail system or part thereof, or contract for the use of the passenger rail system or any part thereof with any operator as may be required for operation of the passenger rail service.

XI. Receive and disburse funds for authority purposes. The authority shall have the power to deposit any monies of the authority, in accordance with the provisions of the general laws of the state of New Hampshire governing the deposit of public monies in such bank or banks or investment deposit pools as may be authorized to receive deposits of public funds.

XII. Issue bonds for the implementation of any project of the authority, including the acquisition of property, or paying off of any debt or obligation of the authority. The authority may issue such types of bonds as may be determined by the board of directors, including certificates on which principal and interest are payable:

(a) Exclusively from income or revenue from the operation of the authority financed with the proceeds of such bonds or together with such proceeds and grants from any instrumentality or other person or corporation in aid of such projects.

(b) Exclusively from income and revenues of certain designated projects.

(c) From general revenues of the authority. Any such bond may be additionally secured by mortgage of the passenger rail system or any part thereof constituting real or personal property of the authority.

XIII. Conduct or cause to be conducted any studies that the authority determines necessary.

XIV. Enter into agreements, contracts, and compacts with any government agency, Pan Am Railways, Massachusetts Bay Transportation Authority, and any other person or entity, public or private, as may be required to develop, establish, and provide passenger rail transportation services, including but not limited to property owners and developers of property adjacent to or incidental to the railroad lines and related facilities.

XV. In conjunction with the Massachusetts Bay Transportation Authority or any other government agency with a vested interest in such matters, fix equitable fares or charges and other rules and regulations for passenger rail services developed or established in whole or in part by the authority.

XVI. Take all lawful action necessary and incidental to effectuate the purposes set forth in this chapter.

238-A:9 Funding. The authority shall seek, apply for, accept for its use, and use funds necessary for the implementation of this chapter.

I. Such funds shall be spent first to develop and initiate, at the earliest practicable time, regularly scheduled commuter rail service between Lowell, Massachusetts and Manchester, New Hampshire.

II. The authority shall seek and use funds to extend regularly scheduled commuter rail or other similar forms of passenger rail service, to the extent practicable, to other points within the state of New Hampshire.

III. The authority shall seek and expend funds as necessary to coordinate with other government agencies providing public transportation services that support or complement regularly scheduled commuter or other form of passenger rail service identified in paragraphs I and II.

IV. The authority shall use any revenues it receives from the operation of the passenger rail service and any ancillary support facilities and services established under this chapter, including fares, fees, rents, royalties, and other revenues, to pay the operational expenses of that service. The authority shall seek and use funds necessary to pay all operational expenses of its passenger rail service that are not met by fares and other authority funds or revenues. For the purposes of this section, "operational expenses" include, but are not limited to, all ongoing capital expenses necessary to maintain the passenger rail service.

V. The authority may take all actions, consistent with this chapter, that are necessary to apply for, qualify for, accept, and disburse any money that the federal government may grant or loan to the authority to fund any actions the board of directors deems necessary under this chapter.

VI. Any government agency may allocate money and take other actions that may aid in the implementation of this chapter. The authority may provide funds, including loans and matching grants, to government agencies in order to encourage their participation in implementing this chapter.

VII. The authority shall use its best efforts to ensure that fares for passenger rail service established under this chapter be set at reasonable levels to encourage use of this service.

VIII. The authority shall obtain all additional funds, through borrowing, revenues, or other means, necessary to satisfy operating deficits arising from expenses, including capital expenditures, necessary to ensure the continuation of passenger rail service established pursuant to this chapter.

#### 238-A:10 Bonds.

I. The authority shall have the power and is hereby authorized to issue its bonds and notes in such principal amount as the authority shall determine to be necessary to provide sufficient funds for achieving any of its corporate purposes. Neither the directors of the authority nor any person executing bonds on behalf of the authority shall be personally liable thereon by reason of the issuance thereof.

II. Bonds of the authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places and be subject to such terms of redemption, with or without premium, as such resolutions, its trust indenture, or mortgage may provide. In case any of the directors or officers of the authority whose signatures appear on any bond or coupon shall cease to be such directors or officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes. All bonds may be signed on behalf of the authority by, or with the facsimile signatures of, such persons as at the actual date of such execution shall be the proper officers authorized by resolution of the authority to execute said bonds, notwithstanding the fact that on the day said bonds are dated, or on the date of the delivery thereof, any such person shall not have been such officer.

III. Obligations of the authority other than certificates shall be payable from general funds of the authority and shall at no time be a charge against any special fund allocated to the payment of bonds except upon payment of current annual maturities and reserves thereof.

IV. Notwithstanding any restrictions on investments contained in any laws of this state, the state and all public officers, municipal corporations, political subdivisions, public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the authority under this chapter, when such bonds or other obligations are secured by rentals or other monies to be paid by the United States of America or any department or agency thereof, and such bonds and other obligations shall be authorized security for all public deposits, it being the purpose of this section to authorize any persons, firms, corporations, associations, political subdivisions, bodies, and officers, public or private, to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment,

retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations; provided, however, that nothing contained in this section shall be construed as relieving any person, firm, or corporation from any applicable duty of exercising reasonable care in selecting securities.

V. The authority may obligate itself for the payment of bonds and other debts incurred in the furtherance of its public purposes by the state of New Hampshire, or by any county, municipality, political subdivision, or public corporation.

VI. The authority shall determine the time, form, and manner of the issuance of its bonds and the specific provisions for, and references to such time, form, and manner set forth in this chapter are illustrative of its powers and are not in limitation thereof. The authority may designate a bank or trust company, qualified to do business in this state, as a trustee for the authority and the holders of bonds issued hereunder, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

238-A:11 Expenses and Obligations. All expenses incurred in carrying out this chapter shall be paid solely from funds provided to or obtained by the authority under this chapter. Any notes, obligations, or liabilities under this chapter shall not be deemed to be a debt of the state or a pledge of the faith and credit of the state; but those notes, obligations, and liabilities are payable exclusively from funds provided to or obtained by the authority under this chapter. The records and correspondence relating to negotiations, trade secrets received by the authority, and estimates of costs on projects to be put out to bid are confidential.

238-A:12 Annual Report and Audit.

I. Beginning one year after the establishment of the authority and on an annual basis thereafter, the authority shall present an annual report to the governor, the commissioner of transportation, the members of the executive council, and the standing committees of the senate and house and representatives having jurisdiction over transportation matters. The report shall include a description of the authority's activities for the preceding fiscal year, including a report of its receipts and expenditures from all sources. All administrative costs shall be identified. A copy of the report shall be made available to any interested person.

II. The authority shall cause an audit by an independent certified public accountant of its books and accounts to be made each fiscal year. After certification of the audit by the board of directors copies shall be provided to the governor, the commissioner of transportation, the members of the executive council, and the standing committees of the senate and house and representatives having jurisdiction over transportation matters.

238-A:13 Property of the Authority.

I. All property owned or leased by the authority under this chapter is exempt from levy and sale by virtue of any execution. An execution or other judicial process is not a valid lien upon its property held under this chapter. The authority may use its property only for the purposes set forth in this chapter.

II. The authority and its authorized officers, agents, and employees may enter upon any lands, waters, and premises in the state for the purpose of making surveys, soundings, drillings, and examinations it determines necessary under this chapter. Such entry shall not be deemed a trespass. The authority shall not be liable for the discovery during any such entry of any form of waste or environmental contamination.

III. Any county, municipality, or other political subdivision, any public agency or commission of the state, and any public service corporation or district, notwithstanding any contrary provisions of law, may lease, lend, grant, or convey to the authority, upon its request and upon such terms and conditions as the proper authorities of the political subdivision, agency, commission, public corporation, or district determine reasonable and fair, any real or personal property or rights in the property that are necessary or convenient to the effectuation of the authorized purposes of the authority, including real and personal property or rights in the property already devoted to public use.

238-A:14 Exemption from Taxes. Because the accomplishment by the authority of the authorized purpose of this chapter is for the benefit of the people of the state and for the improvement of their commerce and prosperity and is the performance of essential governmental functions, the authority shall not be required to pay any taxes or assessment on any property acquired or used by it for the purposes of this chapter, except that service facilities leased or rented by the authority to business

entities are subject to taxation and assessments shall be made against the tenant in possession based upon the value of the leasehold interest, both real and personal. The authority shall not be required to pay any tax upon its income except as may be required by the laws of the United States.

238-A:15 Public Utilities Commission. The authority shall not be subject to regulation by the public utilities commission.

238-A:16 Review of Rail Transit Authority. The general court shall review the scope of the rail transit authority during the 2012 legislative session, giving particular attention to expanding the jurisdiction and membership of the governing body of the authority.

238-A:17 Open Meetings and Records. The authority shall be subject to all requirements of RSA 91-A:2.

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire. Rep. Ryan spoke in favor and yielded to questions.

Reps. Kurk and Packard spoke against.

### MOTION TO LAY ON THE TABLE

Rep. Ferland moved that **SB 75-FN**, relative to establishing a south central New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire, be laid on the table.

Rep. Ryan requested a roll call; sufficiently seconded.

### YEAS 128 NAYS 181

#### YEAS 128

##### BELKNAP

Boyce, Laurie	Clark, Charles	Heald, Bruce	Millham, Alida
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Wendelboe, Fran	Whalley, Michael

##### CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Denley, William
Knox, J. David	Martin, James	Merrow, Harry	Patten, Betsey
Stevens, Stanley			

##### CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Parkhurst, Henry
Pelkey, Stephen			

##### COOS

King, Frederick	Stohl, Eric	Tholl, John Jr
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##### GRAFTON

Dingman, Vernon III	Gionet, Edmond	Ingbertson, Paul	Sorg, Gregory
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##### HILLSBOROUGH

Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris	Christiansen, Lars
Cote, Peter	Coughlin, Pamela	Daniels, Gary	Day, Russell
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Gargas, Carolyn
Goyette, Peter	Graham, John	Haefner, Robert	Hansen, Ryan
Hawkins, Ken	Hinkle, Peyton	Infantine, William	Jasper, Shawn
Kurk, Neal	Lawrence, James	McRae, Karen	Mooney, Maureen
Moran, Edward	O'Connell, Timothy	Ober, Lynne	Ober, Russell III
Peterson, Andy	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Soucy, Connie	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel	

**MERRIMACK**

Anderson, Eric  
Lockwood, Priscilla

Hess, David  
MacKay, James

Humphries, Charlie  
Reed, Dennis

Kidder, David  
Richardson, Gary

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Carson, Sharon  
Elliott, Robert  
Garrity, James  
Headd, James  
Johnson, Robert  
Lund, Howie  
Packard, Sherman  
Reagan, John  
Weare, Everett  
Winchell, George

Baldasaro, Alfred  
Bishop, Franklin  
Charron, Gene  
Emiro, Frank  
Gould, Kenneth  
Hopfgarten, Paul  
Kappler, Lawrence  
Major, Norman  
Priestley, Anne  
Sanders, Elisabeth  
Welch, David

Bedrick, Jason  
Buxton, Donald  
Devine, James  
Fesh, Bob  
Griffin, Mary  
Ingram, Russell  
Kelley, Jane  
McMahon, Charles  
Quandt, Marshall  
Stiles, Nancy  
Wells, Roger

Belanger, Ronald  
Camm, Kevin  
Dumaine, Dudley  
Flanders, John Sr  
Guthrie, Joseph  
Itse, Daniel  
Lister, Charlotte  
Nowe, Ronald  
Quandt, Matthew  
Waterhouse, Kevin  
Weyler, Kenneth

**STRAFFORD**

Brown, Julie

**SULLIVAN**

Ferland, Brenda

Rodeschin, Beverly

**NAYS 181****BELKNAP**

Arsenault, Beth

Morrison, Gail

Reever, Judith

**CARROLL**

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Richardson, Barbara  
Weber, Lucy

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Roberts, Kris  
Weed, Charles

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Robertson, Timothy

Butterworth, Timothy  
Eaton, Daniel  
Plifka, Stanley Jr  
Sad, Tara

**COOS**

Hatch, William

Mears, Edgar

Merrick, Evalyn

Merrick, Scott

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Laliberte, Suzanne  
Nordgren, Sharon

Almy, Susan  
Estes, Carole  
Matheson, Robert  
Pierce, David

Andersen, Gene  
Friedrich, Carol  
McLeod, Martha  
Preston, Philip

Benn, Bernard  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Essex, David  
Ginsburg, Ruth  
Hall, Betty  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Marshall, Seth

Beaulieu, Jane  
Crane, Elenore Casey  
Fontas, Jeffrey  
Goley, Jeffrey  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Levasseur, Nickolas  
Matarazzo, Anthony Sr

Beck, Catriona  
Daler, Jennifer  
Foster, Linda  
Gorman, Mary  
Hebert, Roger  
Johnson, Stephen  
Knowles, Mary Ann  
Long, Patrick  
Mesa, Lily

Brunelle, Michael  
Edwards, Andrew  
Garrity, Patrick  
Hackel, Paul  
Hogan, Edith  
Kaelin, Michael  
Kopka, Angeline  
Mack, Ron  
Movsesian, Lori

O'Brien, Michael Sr  
Reuschel, Michael  
Shattuck, Gilman  
Spaulding, Jayne  
Sysyn, Mary

O'Neil, James  
Rosenwald, Cindy  
Shaw, Barbara  
Spratt, Stephen

Pilotte, Maurice  
Scannell, David  
Simon, Anthony  
Sullivan, Daniel

Price, Pamela  
Schulze, Joan  
Smith, David  
Sullivan, Francis

### MERRIMACK

Baxley, Maureen  
Clarke, Claire  
Ehlers, Eileen  
Kjellman, Eleanor Glynn  
Potter, Frances  
Tupper, Frank  
Wheeler, Deborah

Beauchesne, Suzanne  
Davis, Frank  
French, Barbara  
McMahon, Patricia  
Reardon, Tara  
Wallner, Mary  
Williams, Robert

Brown, Carole  
DeJoie, John  
Gile, Mary  
Owen, Derek  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

Bueggemann, Donald  
DeStefano, Stephen  
Kelly, Sally  
Porter, Margaret  
Shurtleff, Stephen  
Webb, Leigh

### ROCKINGHAM

Abbott, Dennis  
Day, Judith  
Henson, John  
Kennedy, James  
McEachern, Paul  
Nord, Susi  
Russell, Trink

Borden, David  
DiFruscia, Anthony  
Howard, Doreen  
Kepner, Susan  
McKenna, Daniel  
Powers, James  
Serlin, Christopher

Brown, C. Pennington  
Flockhart, Eileen  
Katsakiores, George  
Marsh, Michael  
Moody, Marcia  
Preston, Mark  
Snow, Richard

Casey, Kimberley  
Gleason, John  
Katsakiores, Phyllis  
McCarthy, Linda  
Moore, Bennett  
Robertson, Carl  
Splaine, James

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hubbard, Pamela  
Rollo, Michael  
Spang, Judith  
Watson, Robert

Billian, Deborah  
Domingo, Baldwin  
Kaen, Naida  
Rous, Emma  
Srnc, Robert

Burke, Rachel  
Fargo, Thomas  
Knowles, William  
Schmidt, Peter  
Vachon, Dennis

Cyr, James  
Goodwin, Earle  
Perry, Robert  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
and the motion failed.

Converse, Larry  
Gottling, Suzanne

Donovan, Thomas  
Jillette, Arthur Jr

Franklin, Peter  
Skinder, Carla

The question now being adoption of majority committee amendment (1496h).

Rep. O'Brien spoke in favor.

Rep. Ryan requested a roll call; sufficiently seconded.

### YEAS 193 NAYS 117

### YEAS 193

### BELKNAP

Arsenault, Beth

Morrison, Gail

Reever, Judith

### CARROLL

Butler, Edward

Cunningham, Howard

### CHESHIRE

Allen, Peter  
Butynski, William  
Espieffs, Peter  
Plifka, Stanley Jr  
Sad, Tara

Burridge, Delmar  
Chase, William  
Lerandean, Alfred  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Pelkey, Stephen  
Robertson, Timothy

### COOS

Hatch, William

Mears, Edgar

Merrick, Evalyn

Merrick, Scott

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Laliberte, Suzanne  
Nordgren, Sharon

Almy, Susan  
Estes, Carole  
Matheson, Robert  
Pierce, David

Andersen, Gene  
Friedrich, Carol  
McLeod, Martha  
Preston, Philip

Benn, Bernard  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Day, Russell  
Foster, Linda  
Goley, Jeffrey  
Hammond, Jill  
Irwin, Anne-Marie  
Kelley, John  
Lasky, Bette  
Marshall, Seth  
O'Brien, Michael Sr  
Reuschel, Michael  
Shattuck, Gilman  
Smith, David  
Sullivan, Francis

Beaulieu, Jane  
Christensen, Chris  
Edwards, Andrew  
Gargas, Carolyn  
Gorman, Mary  
Hebert, Roger  
Jean, Claudette  
Knowles, John  
Levasseur, Nickolas  
Matarazzo, Anthony Sr  
O'Neil, James  
Rosenwald, Cindy  
Shaw, Barbara  
Spaulding, Jayne  
Sysyn, Mary

Beck, Catriona  
Crane, Elenore Casey  
Essex, David  
Garrrity, Patrick  
Hackel, Paul  
Hogan, Edith  
Johnson, Stephen  
Knowles, Mary Ann  
Long, Patrick  
Mesa, Lily  
Pilotte, Maurice  
Scannell, David  
Shaw, Kimberly  
Spratt, Stephen

Brunelle, Michael  
Daler, Jennifer  
Fontas, Jeffrey  
Ginsburg, Ruth  
Hall, Betty  
Infantine, William  
Kaelin, Michael  
Kopka, Angeline  
Mack, Ron  
Movsesian, Lori  
Price, Pamela  
Schulze, Joan  
Simon, Anthony  
Sullivan, Daniel

**MERRIMACK**

Baxley, Maureen  
Clarke, Claire  
Ehlers, Eileen  
Kelly, Sally  
Porter, Margaret  
Shurtleff, Stephen  
Webb, Leigh

Beauchesne, Suzanne  
Davis, Frank  
Foos, Robert  
Kjellman, Eleanor Glynn  
Potter, Frances  
Tupper, Frank  
Wheeler, Deborah

Brown, Carole  
DeJoie, John  
French, Barbara  
McMahon, Patricia  
Reardon, Tara  
Wallner, Mary  
Williams, Robert

Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Owen, Derek  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Buxton, Donald  
Flockhart, Eileen  
Ingram, Russell  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Robertson, Carl  
Splaine, James

Bettencourt, David  
Casey, Kimberley  
Gleason, John  
Katsakiores, George  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Russell, Trink

Borden, David  
Day, Judith  
Henson, John  
Katsakiores, Phyllis  
Lister, Charlotte  
McKenna, Daniel  
Powers, James  
Serlin, Christopher

Brown, C. Pennington  
DiFruscia, Anthony  
Howard, Doreen  
Kelley, Jane  
Marsh, Michael  
Moody, Marcia  
Preston, Mark  
Snow, Richard

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Hubbard, Pamela  
Rollo, Michael  
Spang, Judith  
Watson, Robert

Billian, Deborah  
Domingo, Baldwin  
Kaen, Naida  
Rous, Emma  
Smec, Robert

Burke, Rachel  
Fargo, Thomas  
Knowles, William  
Schmidt, Peter  
Vachon, Dennis

Cyr, James  
Goodwin, Earle  
Perry, Robert  
Smith, Marjorie  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Skinder, Carla

Converse, Larry  
Gottling, Suzanne

Donovan, Thomas  
Jillette, Arthur Jr

Franklin, Peter  
Phinzy, James

**NAYS 117****BELKNAP**

Boyce, Laurie  
Nedeau, Stephen  
Tilton, Franklin

Clark, Charles  
Pilliod, James  
Tobin, William

Heald, Bruce  
Russell, David  
Wendelboe, Fran

Millham, Alida  
Thomas, John  
Whalley, Michael

**CARROLL**

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Morrow, Harry

Denley, William  
Patten, Betsey

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

Parkhurst, Henry

**COOS**

King, Frederick

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Dingman, Vernon III

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

**HILLSBOROUGH**

Batula, Peter  
Coughlin, Pamela  
Elliott, Nancy  
Hansen, Ryan  
Kurk, Neal  
Moran, Edward  
Peterson, Andy  
Soucy, Connie  
Vaillancourt, Steve

Bergeron, Jean-Guy  
Daniels, Gary  
Goyette, Peter  
Hawkins, Ken  
Lawrence, James  
O'Connell, Timothy  
Reeves, Sandra  
Stepanek, Stephen  
Villeneuve, Maurice

Christiansen, Lars  
Dokmo, Cynthia  
Graham, John  
Hinkle, Peyton  
McRae, Karen  
Ober, Lynne  
Renzullo, Andrew  
Tahir, Saghir  
Winters, Joel

Cote, Peter  
Drisko, Richard  
Haefner, Robert  
Jasper, Shawn  
Mooney, Maureen  
Ober, Russell III  
Rowe, Robert  
Ulery, Jordan

**MERRIMACK**

Anderson, Eric  
Lockwood, Priscilla

Hess, David  
MacKay, James

Humphries, Charlie  
Reed, Dennis

Kidder, David  
Richardson, Gary

**ROCKINGHAM**

Allen, Mary  
Bishop, Franklin  
Devine, James  
Fesh, Bob  
Griffin, Mary  
Johnson, Robert  
McMahon, Charles  
Quandt, Marshall  
Stiles, Nancy  
Wells, Roger

Baldasaro, Alfred  
Camm, Kevin  
Dumaine, Dudley  
Flanders, John Sr  
Guthrie, Joseph  
Kappler, Lawrence  
Nowe, Ronald  
Quandt, Matthew  
Waterhouse, Kevin  
Weyler, Kenneth

Bedrick, Jason  
Carson, Sharon  
Elliott, Robert  
Garritty, James  
Hopfgarten, Paul  
Lund, Howie  
Packard, Sherman  
Reagan, John  
Weare, Everett  
Winchell, George

Belanger, Ronald  
Charron, Gene  
Emiro, Frank  
Gould, Kenneth  
Itse, Daniel  
Major, Norman  
Priestley, Anne  
Sanders, Elisabeth  
Welch, David

**STRAFFORD**

Brown, Julie

**SULLIVAN**

Ferland, Brenda  
and the majority committee amendment was adopted.  
Rep. Ryan offered floor amendment (2110h).

Rodeschin, Beverly

**Floor Amendment (2110h)**

Amend RSA 238-A:4, I(u) as inserted by section 1 of the bill by replacing it with the following:

(u) The mayor of the city of Claremont, or designee.

Amend RSA 238-A:8, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Acquire any property or property rights through purchase, lease, lease-purchase, gift, contract, devise, or otherwise. In making these acquisitions the authority may exercise the power of eminent domain following the same procedure set forth for similar government agencies under the laws of the state of New Hampshire, provided it is consistent with the purposes established under the New Hampshire constitution and approved by a joint resolution of the general court.

Rep. Ryan spoke in favor.

Floor amendment (2110h) adopted.



The question now being adoption of the majority committee report of Ought to Pass with Amendment.  
Rep. Kurk spoke against.  
Rep. Ryan requested a roll call; sufficiently seconded.

**YEAS 189 NAYS 120****YEAS 189****BELKNAP**

Arsenault, Beth	Morrison, Gail	Reever, Judith
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**CARROLL**

Butler, Edward	Cunningham, Howard
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**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Lerandeau, Alfred	Mitchell, Bonnie	Pelkey, Stephen
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

**COOS**

Hatch, William	Mears, Edgar	Merrick, Evalyn	Merrick, Scott
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**GRAFTON**

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Estes, Carole	Friedrich, Carol	Harding, A Laurie
Laliberte, Suzanne	Matheson, Robert	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Pierce, David	Preston, Philip	Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Brunelle, Michael
Campbell, David	Crane, Elenore Casey	Daler, Jennifer	Edwards, Andrew
Essex, David	Fontas, Jeffrey	Foster, Linda	Gargas, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Hall, Betty	Hammond, Jill	Hebert, Roger
Hogan, Edith	Irwin, Anne-Marie	Jean, Claudette	Johnson, Stephen
Kaelin, Michael	Kelley, John	Knowles, John	Knowles, Mary Ann
Kopka, Angeline	Lasky, Bette	Levasseur, Nickolas	Long, Patrick
Mack, Ron	Marshall, Seth	Matarazzo, Anthony Sr	Mesa, Lily
Movesian, Lori	O'Brien, Michael Sr	O'Neil, James	Pilotte, Maurice
Price, Pamela	Reuschel, Michael	Rosenwald, Cindy	Scannell, David
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Simon, Anthony	Smith, David	Spaulding, Jayne	Spratt, Stephen
Sullivan, Daniel	Sullivan, Francis	Sysyn, Mary	

**MERRIMACK**

Baxley, Maureen	Beauchesne, Suzanne	Brown, Carole	Brueggemann, Donald
Clarke, Claire	Davis, Frank	DeJoie, John	DeStefano, Stephen
Ehlers, Eileen	Foose, Robert	French, Barbara	Gile, Mary
Kelly, Sally	Kjellman, Eleanor Glynn	McMahon, Patricia	Owen, Derek
Porter, Margaret	Potter, Frances	Reardon, Tara	Richardson, Gary
Ryan, Jim	Shurtleff, Stephen	Tupper, Frank	Wallner, Mary
Walz, Mary	Webb, Leigh	Wheeler, Deborah	Williams, Robert
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Bettencourt, David	Borden, David	Brown, C. Pennington
Buxton, Donald	Casey, Kimberley	Day, Judith	DiFruscia, Anthony

Flockhart, Eileen  
Katsakiores, George  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Russell, Trinka

Gleason, John  
Katsakiores, Phyllis  
Lister, Charlotte  
McKenna, Daniel  
Powers, James  
Serlin, Christopher

Henson, John  
Kelley, Jane  
Marsh, Michael  
Moody, Marcia  
Preston, Mark  
Snow, Richard

Howard, Doreen  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Robertson, Carl  
Splaine, James

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hubbard, Pamela  
Rollo, Michael  
Smec, Robert

Billian, Deborah  
Domingo, Baldwin  
Kaen, Naida  
Schmidt, Peter  
Vachon, Dennis

Burke, Rachel  
Fargo, Thomas  
Knowles, William  
Smith, Marjorie  
Wall, Janet

Cyr, James  
Goodwin, Earle  
Perry, Robert  
Spang, Judith  
Watson, Robert

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Skinder, Carla

Converse, Larry  
Gottling, Suzanne

Donovan, Thomas  
Jillette, Arthur Jr

Franklin, Peter  
Phinizy, James

### NAYS 120

#### BELKNAP

Boyce, Laurie  
Nedeau, Stephen  
Tilton, Franklin

Clark, Charles  
Pilliod, James  
Tobin, William

Heald, Bruce  
Russell, David  
Wendelboe, Fran

Millham, Alida  
Thomas, John  
Whalley, Michael

### CARROLL

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Merrow, Harry

Denley, William  
Patten, Betsey

### CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Parkhurst, Henry

### COOS

King, Frederick

Stohl, Eric

Tholl, John Jr

### GRAFTON

Dingman, Vernon III

Gionet, Edmond

Ingbreton, Paul

Sorg, Gregory

### HILLSBOROUGH

Batula, Peter  
Cote, Peter  
Dokmo, Cynthia  
Graham, John  
Hinkle, Peyton  
Lawrence, James  
O'Connell, Timothy  
Reeves, Sandra  
Stepanek, Stephen  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Coughlin, Pamela  
Drisko, Richard  
Haefner, Robert  
Infantine, William  
McRae, Karen  
Ober, Lynne  
Renzullo, Andrew  
Tahir, Saghir  
Winters, Joel

Christensen, Chris  
Daniels, Gary  
Elliott, Nancy  
Hansen, Ryan  
Jasper, Shawn  
Mooney, Maureen  
Ober, Russell III  
Rowe, Robert  
Ulery, Jordan

Christiansen, Lars  
Day, Russell  
Goyette, Peter  
Hawkins, Ken  
Kurk, Neal  
Moran, Edward  
Peterson, Andy  
Soucy, Connie  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Lockwood, Priscilla

Hess, David  
MacKay, James

Humphries, Charlie  
Reed, Dennis

Kidder, David

### ROCKINGHAM

Allen, Mary  
Bishop, Franklin

Baldasaro, Alfred  
Camm, Kevin

Bedrick, Jason  
Carson, Sharon

Belanger, Ronald  
Charron, Gene

Devine, James	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Garrity, James	Gould, Kenneth
Griffin, Mary	Guthrie, Joseph	Hopfgarten, Paul	Ingram, Russell
Itse, Daniel	Johnson, Robert	Kappler, Lawrence	Lund, Howie
Major, Norman	McMahon, Charles	Nowe, Ronald	Packard, Sherman
Priestley, Anne	Quandt, Marshall	Quandt, Matthew	Reagan, John
Sanders, Elisabeth	Stiles, Nancy	Waterhouse, Kevin	Weare, Everett
Welch, David	Wells, Roger	Weyler, Kenneth	Winchell, George

### STRAFFORD

Brown, Julie

### SULLIVAN

Ferland, Brenda                      Rodeschin, Beverly  
and the majority committee report was adopted.  
Ordered to third reading.

### MOTION TO PRINT DEBATE

Rep. Graham moved that the debate on *SB 75-FN*, relative to establishing a south central New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire, be printed in the Permanent Journal.

On a division vote, 143 members having voted in the affirmative and 163 in the negative, the motion failed.

### REGULAR CALENDAR-SPECIAL ORDERS (CONT'D)

***SB 134-FN-A*, establishing a research and development credit against business taxes. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael G. Marsh for the Majority of Ways and Means: This bill establishes a new R&D tax credit, allowing businesses that increase their R&D spending in the state to take a modest tax credit when they spend more in R&D salaries. The credit is capped at \$50,000 per year for each company and \$1 million dollars statewide annually, and its goal is to increase the level of R&D spending in the state. The committee heard evidence that R&D spending is critical to maintaining our competitive position in the global economy and generating economic growth, that an R&D tax credit is a significant way to spur research, and that 40 other states and many other countries currently offer some form of R&D tax credit. We heard additional testimony that NH's position in R&D job creation has fallen to 34th place among the states in the past 6 years. We believe that this is due in part to our lack of a tax credit, and this bill seeks to remedy the situation. The committee made significant changes to the original bill received from the Senate to make the credit more attractive for start-up companies and smaller companies, while keeping within the \$1 million per year cap requested by the Governor and passed by the Senate. Vote 11-6.

Rep. Dennis P. Vachon for the Minority of Ways and Means: The minority of the committee believes that giving a targeted group of taxpayers a break of up to \$50,000 on business taxes for research and development in a time of limited budgetary resources is fiscally irresponsible. The proponents of this legislation have failed to make the case for why this tax credit is in the state's best interest given our business tax structure and other factors that affect business decisions such as the availability of a suitable work force, affordable housing and necessary infrastructure to complement business activities. We need to know who will benefit from the tax credit and ensure that it is not used simply to line the pockets of companies already profiting from Defense contracts. There is no guarantee that the resulting products will be produced in New Hampshire or that the persons employed in the research and development activities will not be imported from elsewhere. This bill has the potential for being nothing more than an annual corporate giveaway of \$1 million which could be better used to support needed state services.

### Majority Amendment (1883h)

Amend the title of the bill by replacing it with the following:

AN ACT        establishing a research and development credit against business taxes and requiring the commission of resources and economic development to report on the research and development tax credit program.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Business Profits Tax; Research and Development Tax Credit. Amend RSA 77A:5 by inserting after paragraph XII the following new paragraph:

XIII.(a) There shall be allowed a research and development tax credit for qualified manufacturing research and development expenditures made or incurred during the fiscal year, as follows:

(1) The aggregate of tax credits issued by the commissioner to all taxpayers claiming the credit shall not exceed \$1,000,000 for any fiscal year, except that any amount of the credit less than \$1,000,000 that is not claimed in the fiscal year ending June 30, 2008 may be claimed in the fiscal year ending June 30, 2009.

(2) Each credit shall be used to offset the taxpayer's tax liability within the subsequent 5 tax years. The amount of the credit shall be the lesser of:

(A) Ten percent of the excess of the qualified manufacturing research and development expenses for the taxable year over the base amount;

(B) The proportional share of the maximum aggregate credit amount allowed in subparagraph (1);

(C) \$50,000.

(3) Taxpayers shall apply for the tax credit on forms provided by the commissioner and shall be accompanied by information or records required by the commissioner. Such application shall be postmarked no later than June 30 following the tax year during which research and development occurred.

(4) A determination on the final amount of the credit awarded by the commissioner to each taxpayer claiming the credit shall be made no later than September 30 of each year.

(5) Wages for which a credit is taken under this paragraph shall not also be eligible for a credit under RSA 162-N.

(b) For purposes of this paragraph:

(1) The term "qualified manufacturing research and development expenditures" shall mean solely any wages paid or incurred to an employee of the business organization for services rendered by such employee within this state within the meaning of RSA 77-A:3; I(b), provided that:

(A) Such wages shall be treated as wages for qualified research expenses under section 41(b) of the United States Internal Revenue Code; and

(B) Such services are undertaken for the purpose of discovering information which constitutes qualified research and development of a new or improved manufacturing process or business component of the business organization.

(C) The wages qualify and are reported as a credit by the business organization under section 41 of the United States Revenue Code as defined in RSA 77-A:1, XX.

(D) The wages are reported by the business organization in the enterprise value tax base under RSA 77-E.

(2) "Base amount" shall mean the base amount of expenditure as defined under section 41 of the United States Revenue Code as defined by RSA 77-A:1, XX, except that the minimum base amount may be 0.

(c) A unitary business or an enterprise consisting of one or more taxpayers under this chapter shall be considered a single taxpayer for purposes of claiming the credit under this paragraph.

2 New Section; Business Enterprise Tax; Credit for Research and Development. Amend RSA 77E by inserting after section 3-a the following new section:

77-E:3-b Credit for Research and Development. The unused portion of any research and development credit awarded by the commissioner under RSA 77-A:5, XIII shall be available to apply to the business enterprise tax.

3 New Chapter; Research and Development Tax Credit Program. Amend RSA by inserting after chapter 162-O the following new chapter:

#### CHAPTER 162-P

#### RESEARCH AND DEVELOPMENT TAX CREDIT PROGRAM

162-P:1 Research and Development Tax Credit Program.

I. The commissioner of resources and economic development shall file a report detailing the implementation of the tax credit program under RSA 77-A:5, XIII and the results achieved. The report shall include the following:

(a) Methods and activities used to implement the tax credit program.

(b) The number of companies, including venture capital funds, contacted relative to locating research and development activities in the state.

(c) Other information as deemed relevant.

II. This report shall be filed with the president of the senate, the speaker of the house of representatives, and the governor on or before July 31 of each year, beginning with July 31, 2008.

4 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the intent of the legislature that the invalidity shall not affect RSA 77-A, and to this end the provisions of this act are severable.

5 Applicability. Sections 1-3 of this act shall apply to taxes due on account of taxable periods ending on or after September 7, 2007.

6 Repeal. The following are repealed:

I. RSA 77-A:5, XIII, relative to the research and development tax credit.

II. RSA 77-E:3-b, relative to the credit for research and development.

III. RSA 162-P:1, relative to the research and development tax credit program.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2013.

II. The remainder of this act shall take effect July 1, 2007.

### AMENDED ANALYSIS

This bill establishes a research and development tax credit against the business profits tax and the business enterprise tax.

The bill also requires the commissioner of resources and economic development to file reports on the research and development tax credit program.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Vachon spoke against and yielded to questions.

Reps. Marsh and Hinkle spoke in favor and yielded to questions.

Rep. Wells spoke against.

Rep. Campbell requested a roll call; sufficiently seconded.

### YEAS 199 NAYS 104

#### YEAS 199

#### BELKNAP

Arsenault, Beth

Morrison, Gail

Pilliod, James

Reever, Judith

#### CARROLL

Ahlgren, Christopher  
Martin, James

Buco, Thomas  
Stevens, Stanley

Butler, Edward

Cunningham, Howard

#### CHESHIRE

Allen, Peter  
Chase, William  
Hunt, John  
Plifka, Stanley Jr  
Weber, Lucy

Burridge, Delmar  
Dunn, J. Timothy  
Lerandeau, Alfred  
Richardson, Barbara  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris

Butynski, William  
Espiefs, Peter  
Parkhurst, Henry  
Sad, Tara

#### COOS

Hatch, William  
Merrick, Scott

King, Frederick

Mears, Edgar

Merrick, Evalyn

#### GRAFTON

Aguiar, James  
Estes, Carole  
Matheson, Robert  
Pierce, David

Almy, Susan  
Friedrich, Carol  
McLeod, Martha  
Preston, Philip

Benn, Bernard  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

Cooney, Mary  
Laliberte, Suzanne  
Nordgren, Sharon

**HILLSBOROUGH**

Baroody, Benjamin  
 Brunelle, Michael  
 Coughlin, Pamela  
 Drisko, Richard  
 Gargas, Carolyn  
 Gorman, Mary  
 Hall, Betty  
 Hinkle, Peyton  
 Kaelin, Michael  
 Kopka, Angeline  
 Long, Patrick  
 Mesa, Lily  
 O'Connell, Timothy  
 Reuschel, Michael  
 Schulze, Joan  
 Simon, Anthony  
 Sullivan, Daniel  
 Winters, Joel

Batula, Peter  
 Campbell, David  
 Crane, Elenore Casey  
 Edwards, Andrew  
 Garrity, Patrick  
 Graham, John  
 Hammond, Jill  
 Irwin, Anne-Marie  
 Kelley, John  
 Lasky, Bette  
 Mack, Ron  
 Mooney, Maureen  
 O'Neil, James  
 Rosenwald, Cindy  
 Shattuck, Gilman  
 Smith, David  
 Sullivan, Francis

Beaulieu, Jane  
 Christensen, Chris  
 Daler, Jennifer  
 Essex, David  
 Ginsburg, Ruth  
 Hackel, Paul  
 Hansen, Ryan  
 Jean, Claudette  
 Knowles, John  
 Lawrence, James  
 Marshall, Seth  
 Movsesian, Lori  
 Peterson, Andy  
 Rowe, Robert  
 Shaw, Barbara  
 Spratt, Stephen  
 Sysyn, Mary

Beck, Catriona  
 Cote, Peter  
 Day, Russell  
 Foster, Linda  
 Goley, Jeffrey  
 Haefner, Robert  
 Hebert, Roger  
 Johnson, Stephen  
 Knowles, Mary Ann  
 Levasseur, Nickolas  
 Matarazzo, Anthony Sr  
 O'Brien, Michael Sr  
 Pilotte, Maurice  
 Scannell, David  
 Shaw, Kimberly  
 Stepanek, Stephen  
 Tahir, Saghir

**MERRIMACK**

Beauchesne, Suzanne  
 Davis, Frank  
 Foote, Robert  
 Kelly, Sally  
 Owen, Derek  
 Shurtleff, Stephen  
 Webb, Leigh

Bouchard, Candace  
 DeJoie, John  
 French, Barbara  
 Kjellman, Eleanor Glynn  
 Porter, Margaret  
 Tupper, Frank  
 Williams, Robert

Brueggemann, Donald  
 DeStefano, Stephen  
 Gile, Mary  
 Lockwood, Priscilla  
 Potter, Frances  
 Wallner, Mary  
 Yeaton, Charles

Clarke, Claire  
 Ehlers, Eileen  
 Hess, David  
 McMahon, Patricia  
 Ryan, Jim  
 Walz, Mary

**ROCKINGHAM**

Abbott, Dennis  
 Borden, David  
 Dumaine, Dudley  
 Howard, Doreen  
 Kennedy, James  
 Marsh, Michael  
 Moore, Bennett  
 Russell, Trinka

Allen, Mary  
 Brown, C. Pennington  
 Garrity, James  
 Katsakiores, George  
 Kepner, Susan  
 McCarthy, Linda  
 Nord, Susi  
 Serlin, Christopher

Belanger, Ronald  
 Casey, Kimberley  
 Gleason, John  
 Katsakiores, Phyllis  
 Lister, Charlotte  
 McKenna, Daniel  
 Powers, James  
 Snow, Richard

Bettencourt, David  
 Day, Judith  
 Henson, John  
 Kelley, Jane  
 Lund, Howie  
 McMahon, Charles  
 Reagan, John  
 Waterhouse, Kevin

**STRAFFORD**

Berube, Roger  
 Fargo, Thomas  
 Perry, Robert  
 Spang, Judith

Cyr, James  
 Goodwin, Earle  
 Rollo, Michael  
 Wall, Janet

DeChane, Marlene  
 Hubbard, Pamela  
 Schmidt, Peter

Domingo, Baldwin  
 Knowles, William  
 Smith, Marjorie

**SULLIVAN**

Cloutier, John  
 Franklin, Peter  
 Phinizy, James

Converse, Larry  
 Gagnon, Raymond

Donovan, Thomas  
 Gottling, Suzanne

Ferland, Brenda  
 Jillette, Arthur Jr

**NAYS 104****BELKNAP**

Boyce, Laurie  
 Nedeau, Stephen  
 Tobin, William

Clark, Charles  
 Russell, David  
 Wendelboe, Fran

Heald, Bruce  
 Thomas, John  
 Whalley, Michael

Millham, Alida  
 Tilton, Franklin

**CARROLL**

Brown, Carolyn  
 Merrow, Harry

Chandler, Gene  
 Patten, Betsey

Denley, William

Knox, J. David

**CHESHIRE**

Butcher, Suzanne  
Robertson, Timothy

Emerson, Susan

Johnson, Jane

Pelkey, Stephen

**COOS**

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Andersen, Gene  
Sorg, Gregory

Dingman, Vernon III

Gionet, Edmond

Ingbretson, Paul

**HILLSBOROUGH**

Bergeron, Jean-Guy  
Fontas, Jeffrey  
Jasper, Shawn  
Ober, Lynne  
Renzullo, Andrew  
Vaillancourt, Steve

Daniels, Gary  
Hawkins, Ken  
Kurk, Neal  
Ober, Russell III  
Soucy, Connie  
Villeneuve, Maurice

Dokmo, Cynthia  
Hogan, Edith  
McRae, Karen  
Price, Pamela  
Spaulding, Jayne

Elliott, Nancy  
Infantine, William  
Moran, Edward  
Reeves, Sandra  
Ulery, Jordan

**MERRIMACK**

Anderson, Eric  
MacKay, James

Brown, Carole  
Wheeler, Deborah

Humphries, Charlie

Kidder, David

**ROCKINGHAM**

Baldasaro, Alfred  
Camm, Kevin  
DiFruscia, Anthony  
Flanders, John Sr  
Guthrie, Joseph  
Johnson, Robert  
Moody, Marcia  
Quandt, Marshall  
Splaine, James  
Wells, Roger

Bedrick, Jason  
Carson, Sharon  
Elliott, Robert  
Flockhart, Eileen  
Hopfgarten, Paul  
Kappler, Lawrence  
Nowe, Ronald  
Quandt, Matthew  
Stiles, Nancy  
Weyler, Kenneth

Bishop, Franklin  
Charron, Gene  
Emiro, Frank  
Gould, Kenneth  
Ingram, Russell  
Major, Norman  
Packard, Sherman  
Robertson, Carl  
Weare, Everett  
Winchell, George

Buxton, Donald  
Devine, James  
Fesh, Bob  
Griffin, Mary  
Itse, Daniel  
McEachern, Paul  
Priestley, Anne  
Sanders, Elisabeth  
Welch, David

**STRAFFORD**

Billian, Deborah  
Vachon, Dennis

Brown, Julie  
Watson, Robert

Burke, Rachel

Kaen, Naida

**SULLIVAN**

Rodeschin, Beverly

Skinder, Carla

and the majority committee report was adopted.  
Ordered to third reading.

**SB 137-FN**, removing the prospective repeal of community reinvestment and opportunity zones (CROP zones). **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William A. Hatch for the Majority of Ways and Means: This bill, as sent to the House by the Senate, sought to repeal the sunset provision for the CROP (community redevelopment and opportunity program) tax credit. This credit is given to companies that create jobs in areas of the state that are designated as urban renewal zones or are otherwise economically disadvantaged. This program is the major general-purpose job creation program in the state and is administered by the Department of Resources and Economic Development (DRED). It provides a maximum of \$825,000 annually in job creation incentive credits to companies. The Ways and Means Committee believes the program is a worthy one, but that it has failed to achieve the desired goals after being in place for almost four years. After careful analysis, and with the cooperation of DRED, the committee identified changes to the program to make it more accessible to towns and more attractive to in-

dustry, while keeping the maximum credit cap of \$825,000 in place. These changes include reducing the investment required to qualify for the program, increasing the value of the credit for jobs, capping the amount of credit available to any single firm, and making the rules defining a CROP zone simpler to understand. A further 4 year sunset clause, plus new reporting requirements, should ensure that more oversight is given to the program in the next two biennia. The committee added an amendment dealing with economic nexus that closes corporate tax loopholes, originally passed by the House as HB 351 in March that has been retained in the Senate. This is an important amendment for state business tax revenues. Vote 15-2.

Rep. Dennis P. Vachon for the Minority of Ways and Means: The minority of the committee believes that the revitalization of older sections of our cities and towns, though a laudable goal, is something that would be best left to the free market. This legislation would earmark \$825,000 each year for tax credits to businesses for doing rehabilitation work in qualified areas. That money would be better spent meeting the numerous and pressing needs of our state so that we are not forced to further increase business taxes.

### **Majority Amendment (1985h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing the economic revitalization zone tax credit program and redefining "business activity" for purposes of the business profits tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Community Reinvestment and Opportunity Zones; Economic Revitalization Zone Tax Credits. RSA 162-N is repealed and reenacted to read as follows:

#### **CHAPTER 162-N**

#### **ECONOMIC REVITALIZATION ZONE TAX CREDITS**

162-N:1 Definition. In this chapter, "economic revitalization zone" means a zone designated by the commissioner of resources and economic development as an economic revitalization zone in accordance with the provisions of this chapter.

#### **162-N:2 Designation of Economic Revitalization Zone.**

I. "Economic revitalization zone" means a zone with a single continuous boundary, comprised of one or more contiguous census tracts or blocks or smaller recognizable physical areas, designated in accordance with the rules adopted under RSA 162-N:8, and certified by the commissioner of resources and economic development as being a brownfields site as defined under RSA 147-F, or having at least one of the following characteristics:

(a) The population of the municipality or municipalities in which the zone is located, according to the most recent federal census, decreased during the 20 years prior to the census.

(b) The median household income in the census tract or tracts in which the zone is located is less than \$40,500 according to the most recent federal decennial census.

(c) At least 20 percent of households in the census tract or tracts in which the zone is located have a median income below the federal poverty level.

(d)(1) The zone contains either:

(A) Unused or underutilized industrial parks; or

(B) Vacant land or structures previously used for industrial, commercial, or retail purposes but currently not so used due to demolition, age, obsolescence, deterioration, relocation of the former occupant's operations, or cessation of operation resulting from unfavorable economic conditions either generally or in a specific economic sector; and

(2) Certification of the zone as an economic revitalization zone would likely result in the reduction of the rate of vacant or demolished structures or the rate of tax delinquency in the zone.

II. Economic revitalization zones shall be designated by the commissioner of resources and economic development only upon petition by the local governing body, as defined by RSA 672:6, or the town council. The commissioner of resources and economic development shall certify that the economic revitalization zone meets the criteria required in paragraph I.

III. The commissioner of resources and economic development is authorized to establish an advisory board for each economic revitalization zone established under this chapter.

162-N:3 Eligibility Requirements for Business Tax Credits. No economic revitalization zone tax credits shall be allowed to any taxpayer unless the taxpayer's project receives written certification from the commissioner of resources and economic development that it will expand the commercial or industrial base in a designated economic revitalization zone and will create new jobs in the state.



162-N:4 Economic Revitalization Zone Tax Credit Agreement.

I. The commissioner of resources and economic development shall enter into a written economic revitalization zone tax credit agreement with each taxpayer; such agreement to be certified by the commissioner of resources and economic development under this section. The agreement shall contain such provisions as the commissioner of resources and economic development determines to be in the public interest, which shall include, but not be limited to:

- (a) Quality and quantity of jobs to be created.
- (b) Duration of the taxpayer's commitments with respect to the economic revitalization zone.
- (c) The amount of the taxpayer's investment in the project.
- (d) A precise definition of the location of the facility eligible for the credit.
- (e) The maximum amount of the economic revitalization zone tax credit that will be allowed to the business under this agreement for jobs created and for construction or reconstruction expenses.

II. A certified copy of each agreement signed by the commissioner of resources and economic development and the taxpayer shall be provided to the commissioner of revenue administration.

162-N:5 Limit On Total Economic Revitalization Zone Credits. The aggregate value of all of economic revitalization zone tax credit agreements that the commissioner of resources and economic development enters into shall not exceed the limit of \$825,000 in any fiscal year. Notwithstanding RSA 162-N:6, the maximum credit awarded to a taxpayer in any fiscal year shall not exceed \$40,000.

162-N:6 Determination of Economic Revitalization Zone Tax Credits Eligible Amount.

I. For the purpose of determining the economic revitalization zone tax credit that the taxpayer is eligible to receive, the amount of the credit to be taken shall be the lesser of the following:

(a) The maximum amount of the economic revitalization zone tax credit as stated in the agreement as specified by RSA 162-N:4, I(e); or

(b) The sum of the following:

(1) 4 percent of the salary for each new job created in the fiscal year with a wage less than or equal to 1.75 times the then current state minimum wage.

(2) 5 percent of the salary for each new job created in the fiscal year with a wage greater than 1.75 times the then current state minimum wage and less than or equal to 2.5 times the then current state minimum wage.

(3) 6 percent of the salary for each new job created in the fiscal year with a wage greater than 2.5 times the then current state minimum wage.

(4) 4 percent of the lesser of the following:

(A) The actual cost incurred in the fiscal year of creating a new facility or renovating an existing facility, and expenditures for machinery, equipment, or other materials, except inventory.

(B) \$20,000 for each new job created in the fiscal year.

162-N:7 Application of Economic Revitalization Zone Tax Credit. The economic revitalization zone tax credit shall be applied against the business profits tax under RSA 77-A, and any unused portion thereof may be applied against the business enterprise tax under RSA 77-E. Any unused portion of the credit allowed under this chapter may be carried forward and allowed against taxes due under RSA 77-A or RSA 77-E for 5 taxable periods from the taxable period in which the tax was paid.

162-N:8 Rules. The commissioner of revenue administration shall adopt rules, under RSA 541-A, relative to documentation of the credits claimed under this chapter. The commissioner of resources and economic development shall, in consultation with the executive director of the community development finance authority, adopt rules, under RSA 541-A, relative to the administration and implementation of this chapter. The rules adopted by the commissioner of resources and economic development shall include provisions relative to:

I. Establishment and certification of economic revitalization zones.

II. Criteria for and approval of projects in economic revitalization zones, including jobs per dollar thresholds.

III. Fees which the commissioner of resources and economic development may charge to each applicant to cover the reasonable costs of the state's administration of the applicant's participation in the economic revitalization zone tax credit program.

162-N:9 Reports. The commissioner of resources and economic development shall file an annual report with the governor, the senate president, the speaker of the house of representatives, and the fiscal committee. The report shall describe the results of the economic revitalization zone tax credit program and shall include any recommendations for further legislation regarding the economic revitalization zone tax credit program.

2 Business Profits Tax; Economic Revitalization Zone Tax Credit. RSA 77-A:5, XII is repealed and reenacted to read as follows:

XII. The economic revitalization zone tax credit, as computed in RSA 162-N:6.

3 Business Enterprise Tax; Economic Revitalization Zone Tax Credit. RSA 77-E:3-a is repealed and reenacted to read as follows:

77-E:3-a Credit. The economic revitalization zone tax credit, as computed in RSA 162-N:6, shall be allowed against the tax due under this chapter.

4 Definitions; Business Activity. Amend RSA 77-A:1, XII to read as follows:

XII. "Business activity" means *a substantial economic presence evidenced by a purposeful direction of business toward the state examined in light of the frequency, quantity, and systematic nature of a business organization's economic contacts with the state.* "Business activity" includes, but is not limited to, a group of actions performed by a business organization for the purpose of earning income or profit from such actions and includes every operation which forms a part of, or a step in, the process of earning income or profit from such group of actions. The actions ordinarily include, but are not limited to, *the employment of business assets*, the receipt of money, property, or other items of value and the incurring or payment of expenses. Notwithstanding any other provision of this paragraph, a holder of an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI, shall not be deemed to be carrying on any business activity within this state due solely to its holding an ownership interest in such qualified investment company.

5 Repeal. The following are repealed:

I. RSA 162-N, relative to the economic revitalization zone tax credit program.

II. RSA 77-A:5, XII, relative to the economic revitalization zone tax credit.

III. RSA 77-E:3-a, relative to the economic revitalization zone tax credit.

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2011.

II. The remainder of this act shall take effect July 1, 2007.

### AMENDED ANALYSIS

This bill establishes a economic revitalization zone tax credit against the business profits tax and the business enterprise tax. The credit is based on the creation of jobs in areas that have been identified by the commissioner of resources and economic development as economic revitalization zones. The economic revitalization zone tax credit program replaces the CROP zone tax credit program.

The bill also redefines "business activity" for the purposes of the business profits tax.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Vachon spoke against and yielded to questions.

Rep. Hatch spoke in favor.

Rep. Almy requested a roll call; sufficiently seconded.

### YEAS 249 NAYS 43

#### YEAS 249

#### BELKNAP

Clark, Charles  
Pilliod, James  
Tilton, Franklin

Millham, Alida  
Reever, Judith  
Wendelboe, Fran

Morrison, Gail  
Russell, David  
Whalley, Michael

Nedeau, Stephen  
Thomas, John

#### CARROLL

Ahlgren, Christopher  
Chandler, Gene  
Morrow, Harry

Brown, Carolyn  
Cunningham, Howard  
Patten, Betsey

Buco, Thomas  
Knox, J. David  
Stevens, Stanley

Butler, Edward  
Martin, James

#### CHESHIRE

Allen, Peter  
Butynski, William

Burridge, Delmar  
Chase, William

Butcher, Suzanne  
Emerson, Susan

Butterworth, Timothy  
Espieffs, Peter

Lerandeau, Alfred  
Plifka, Stanley Jr  
Weber, Lucy

Mitchell, Bonnie  
Richardson, Barbara  
Weed, Charles

Parkhurst, Henry  
Roberts, Kris

Pelkey, Stephen  
Sad, Tara

### COOS

Hatch, William  
Merrick, Scott

King, Frederick  
Stohl, Eric

Mears, Edgar  
Tholl, John Jr

Merrick, Evalyn

### GRAFTON

Aguiar, James  
Cooney, Mary  
Ingbertson, Paul  
Nordgren, Sharon

Almy, Susan  
Estes, Carole  
Laliberte, Suzanne  
Pierce, David

Andersen, Gene  
Friedrich, Carol  
Matheson, Robert  
Preston, Philip

Benn, Bernard  
Harding, A Laurie  
Mulholland, Catherine  
Solomon, Peter

### HILLSBOROUGH

Baroody, Benjamin  
Bergeron, Jean-Guy  
Coughlin, Pamela  
Drisko, Richard  
Fontas, Jeffrey  
Ginsburg, Ruth  
Hall, Betty  
Hinkle, Peyton  
Johnson, Stephen  
Knowles, Mary Ann  
Levasseur, Nickolas  
Matarazzo, Anthony Sr  
Movsesian, Lori  
Ober, Lynne  
Renzullo, Andrew  
Scannell, David  
Shaw, Kimberly  
Spratt, Stephen  
Sysyn, Mary

Batula, Peter  
Campbell, David  
Daler, Jennifer  
Edwards, Andrew  
Foster, Linda  
Goley, Jeffrey  
Hammond, Jill  
Infantime, William  
Kaelin, Michael  
Kopka, Angeline  
Long, Patrick  
McRae, Karen  
O'Brien, Michael Sr  
Peterson, Andy  
Reuschel, Michael  
Schulze, Joan  
Simon, Anthony  
Stepanek, Stephen  
Tahir, Saghir

Beaulieu, Jane  
Christensen, Chris  
Day, Russell  
Elliott, Nancy  
Gargas, Carolyn  
Graham, John  
Hansen, Ryan  
Irwin, Anne-Marie  
Kelley, John  
Kurk, Neal  
Mack, Ron  
Mesa, Lily  
O'Connell, Timothy  
Pilotte, Maurice  
Rosenwald, Cindy  
Shattuck, Gilman  
Soucy, Connie  
Sullivan, Daniel  
Ulery, Jordan

Beck, Catriona  
Cote, Peter  
Dokmo, Cynthia  
Essex, David  
Garrity, Patrick  
Hackel, Paul  
Hebert, Roger  
Jean, Claudette  
Knowles, John  
Lasky, Bette  
Marshall, Seth  
Mooney, Maureen  
O'Neil, James  
Price, Pamela  
Rowe, Robert  
Shaw, Barbara  
Spaulding, Jayne  
Sullivan, Francis  
Winters, Joel

### MERRIMACK

Anderson, Eric  
Brown, Carole  
DeJoie, John  
Gile, Mary  
Kidder, David  
Owen, Derek  
Shurtleff, Stephen  
Webb, Leigh

Baxley, Maureen  
Brueggemann, Donald  
Ehlers, Eileen  
Hess, David  
Lockwood, Priscilla  
Porter, Margaret  
Tupper, Frank  
Wheeler, Deborah

Beauchesne, Suzanne  
Clarke, Claire  
Foose, Robert  
Humphries, Charlie  
MacKay, James  
Potter, Frances  
Wallner, Mary  
Williams, Robert

Bouchard, Candace  
Davis, Frank  
French, Barbara  
Kelly, Sally  
McMahon, Patricia  
Ryan, Jim  
Walz, Mary  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Bishop, Franklin  
Carson, Sharon  
Devine, James  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, George  
Kepner, Susan  
Marsh, Michael  
Moore, Bennett  
Powers, James  
Robertson, Carl  
Snow, Richard  
Winchell, George

Allen, Mary  
Borden, David  
Casey, Kimberley  
DiFruscia, Anthony  
Flockhart, Eileen  
Henson, John  
Katsakiores, Phyllis  
Lister, Charlotte  
McCarthy, Linda  
Nord, Susi  
Preston, Mark  
Russell, Trinkia  
Stiles, Nancy

Belanger, Ronald  
Brown, C. Pennington  
Charron, Gene  
Dumaine, Dudley  
Garrity, James  
Howard, Doreen  
Kelley, Jane  
Lund, Howie  
McKenna, Daniel  
Nowe, Ronald  
Quandt, Marshall  
Sanders, Elisabeth  
Waterhouse, Kevin

Bettencourt, David  
Buxton, Donald  
Day, Judith  
Fesh, Bob  
Gleason, John  
Kappler, Lawrence  
Kennedy, James  
Major, Norman  
Moody, Marcia  
Packard, Sherman  
Quandt, Matthew  
Serlin, Christopher  
Welch, David

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Knowles, William  
Smith, Marjorie

Billian, Deborah  
Domingo, Baldwin  
Perry, Robert  
Spang, Judith

Burke, Rachel  
Fargo, Thomas  
Rollo, Michael  
Wall, Janet

Cyr, James  
Hubbard, Pamela  
Schmidt, Peter

**SULLIVAN**

Cloutier, John  
Franklin, Peter  
Phiniza, James

Converse, Larry  
Gagnon, Raymond  
Rodeschin, Beverly

Donovan, Thomas  
Gottling, Suzanne

Ferland, Brenda  
Jillette, Arthur Jr

**NAYS 43****BELKNAP**

Boyce, Laurie

Heald, Bruce

Tobin, William

**CARROLL**

Denley, William

**CHESHIRE**

Johnson, Jane

Robertson, Timothy

**COOS**

None

**GRAFTON**

Dingman, Vernon III

Gionet, Edmond

Sorg, Gregory

**HILLSBOROUGH**

Daniels, Gary  
Jasper, Shawn  
Reeves, Sandra

Gorman, Mary  
Lawrence, James  
Smith, David

Haefner, Robert  
Moran, Edward  
Vaillancourt, Steve

Hawkins, Ken  
Ober, Russell III  
Villeneuve, Maurice

**MERRIMACK**

Kjellman, Eleanor Glynn

**ROCKINGHAM**

Baldasaro, Alfred  
Emiro, Frank  
Ingram, Russell  
Priestley, Anne  
Wells, Roger

Bedrick, Jason  
Gould, Kenneth  
Itse, Daniel  
Reagan, John  
Weyler, Kenneth

Camm, Kevin  
Guthrie, Joseph  
Johnson, Robert  
Splaine, James

Elliott, Robert  
Hopfgarten, Paul  
McEachern, Paul  
Weare, Everett

**STRAFFORD**

Brown, Julie

Vachon, Dennis

Watson, Robert

**SULLIVAN**

None

and the majority committee report was adopted.  
Ordered to third reading.

**SB 235-FN-A**, relative to milk support for dairy farmers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William A. Hatch for the Majority of Ways and Means: This bill establishes a milk producers' emergency relief fund for milk producers and an Emergency Relief Board to develop eligibility criteria to determine who qualifies for relief. As the bill is written there is no funding provided. After review, the committee voted to remove the portion of the bill that taxed milk to provide funds to buy property development rights for dairy farmers. There are no further revenue implications in this bill. Vote 9-8.

Rep. Peyton B. Hinkle for the Minority of Ways and Means: This bill creates a fund with no money. Members of the minority felt this would unfairly create the expectation in people's minds that money would be available. Leaving the fund open would create the opportunity in the future to provide a direct subsidy to a small group of businesses. Members felt it is inappropriate for the state to make direct financial payments in support of businesses, especially when revenues are projected to fall far short of budgeted expenditures. Economic conditions for the dairy industry are currently improving, so there is no immediate need for assistance. In the meantime, there are other possibilities that could be considered to assist the farmers. Members of the committee remain sympathetic to the farmers' plight and would have favored retaining the bill to work on other ways to help improve their economic conditions.

### **Majority Amendment (1954h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a milk producers emergency relief fund.

Amend the bill by deleting sections 2-3 and renumbering the original sections 4-6 to read as 2-4, respectively.

### **AMENDED ANALYSIS**

This bill establishes a milk producers emergency relief fund.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

### **BILL REMOVED FROM CONSENT CALENDAR ON JUNE 6, 2007**

***SB 191-FN-A***, relative to the nongame species account in the fish and game fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for Finance: Fish and Game Department has a program for the 400 species that are not hunted, trapped, or fished. It is called the Nongame and Endangered Wildlife Program. Since no licensee is taking these species, the normal revenue of the department cannot be used for the management of this program. In prior budgets, federal funds matched contributions three to one, and contributed 3.7 million dollars in six years to the program. The federal match has now changed to a one to one match. Committee members had lengthy discussions with the Fish and Game Department in the house budget review. There were discussions about revenue problems, and this program was also discussed. This bill and the change in funding match were never brought up by the department. This leaves us to believe that this is not a priority of theirs. We believe that this is an important program, but to add an additional \$300,000 of general funds would have caused problems in other parts of the budget. Conservation license plates, private charities, specific programs, like the Karner Blue Butterfly, and contributions from the public, provide the funds presently and amount to about \$300,000 per year. We believe more members of the public would respond if the department made a concerted effort. Vote 24-1.

Rep. Abbott spoke against.

Rep. Weyler spoke in favor.

### **LAID ON THE TABLE**

Rep. Daniel Eaton moved that ***SB 191-FN-A***, relative to the nongame species account in the fish and game fund, be laid on the table.

Motion adopted.

### **SENATE MESSAGES**

#### **REQUEST CONCURRENCE WITH AMENDMENT**

***HB 721***, relative to the appropriation to the department of health and human services for rates paid for nursing services. (Amendment printed SJ 5-31-07)

Reps. Rosenwald and Marjorie Smith moved that the House concur.

Rep. Rosenwald spoke in favor.

Adopted.

Rep. Donovan declared a conflict of interest on ***HB 721*** and did not participate.

**REMOVED FROM THE TABLE**

Rep. Michael Rollo moved that **SB 88**, relative to public employee terms of employment, bargaining units, and dispute resolution, be removed from the table. (Pending question: Ought to Pass with Amendment).

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

**YEAS 150 NAYS 142****YEAS 150****BELKNAP**

Arsenault, Beth	Morrison, Gail	Reever, Judith
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**CARROLL**

Buco, Thomas	Butler, Edward
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**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Mitchell, Bonnie	Piifka, Stanley Jr	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weed, Charles

**COOS**

Hatch, William	Mears, Edgar	Merrick, Evalyn	Merrick, Scott
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**GRAFTON**

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Friedrich, Carol	Harding, A Laurie	Laliberte, Suzanne	Mulholland, Catherine
Nordgren, Sharon	Pierce, David	Solomon, Peter	

**HILLSBOROUGH**

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Daler, Jennifer
Edwards, Andrew	Essex, David	Fontas, Jeffrey	Foster, Linda
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Hammond, Jill	Hebert, Roger	Jean, Claudette
Johnson, Stephen	Kaelin, Michael	Kelley, John	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	Lasky, Bette	Levasseur, Nickolas
Long, Patrick	Mack, Ron	Marshall, Seth	Mesa, Lily
Movsesian, Lori	O'Brien, Michael Sr	Pilotte, Maurice	Reuschel, Michael
Rosenwald, Cindy	Scannell, David	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Smith, David	Sullivan, Daniel	Sullivan, Francis
Sysyn, Mary			

**MERRIMACK**

Baxley, Maureen	Beauchesne, Suzanne	Brown, Carole	Brueggemann, Donald
Clarke, Claire	Davis, Frank	DeJoie, John	Ehlers, Eileen
Foose, Robert	French, Barbara	Gile, Mary	Kelly, Sally
Kjellman, Eleanor Glynn	McMahon, Patricia	Porter, Margaret	Potter, Frances
Ryan, Jim	Shurtleff, Stephen	Wallner, Mary	Walz, Mary
Wheeler, Deborah	Williams, Robert	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Brown, C. Pennington	Day, Judith	DiFruscia, Anthony
Emiro, Frank	Henson, John	Howard, Doreen	Johnson, Robert
Kelley, Jane	Kennedy, James	Lister, Charlotte	Marsh, Michael
McCarthy, Linda	McEachern, Paul	McKenna, Daniel	Moody, Marcia
Nord, Susi	Powers, James	Preston, Mark	Quandt, Marshall
Quandt, Matthew	Russell, Trinka	Serlin, Christopher	Snow, Richard
Splaine, James	Weare, Everett	Winchell, George	

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Rollo, Michael  
Vachon, Dennis

Billian, Deborah  
Hubbard, Pamela  
Schmidt, Peter  
Wall, Janet

Burke, Rachel  
Kaen, Naida  
Smith, Marjorie  
Watson, Robert

Cyr, James  
Perry, Robert  
Spang, Judith

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond

Converse, Larry  
Gottling, Suzanne

Donovan, Thomas  
Jillette, Arthur Jr

Franklin, Peter  
Phinizy, James

**NAYS 142****BELKNAP**

Boyce, Laurie  
Nedeau, Stephen  
Tilton, Franklin

Clark, Charles  
Pilliod, James  
Tobin, William

Heald, Bruce  
Russell, David  
Wendelboe, Fran

Millham, Alida  
Thomas, John  
Whalley, Michael

**CARROLL**

Ahlgren, Christopher  
Denley, William  
Patten, Betsey

Brown, Carolyn  
Knox, J. David  
Stevens, Stanley

Chandler, Gene  
Martin, James

Cunningham, Howard  
Morrow, Harry

**CHESHIRE**

Emerson, Susan  
Pelkey, Stephen

Johnson, Jane  
Weber, Lucy

Lerandeau, Alfred

Parkhurst, Henry

**COOS**

King, Frederick

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Cooney, Mary  
Ingbretson, Paul

Dingman, Vernon III  
Preston, Philip

Estes, Carole  
Sorg, Gregory

Gionet, Edmond

**HILLSBOROUGH**

Batula, Peter  
Cote, Peter  
Drisko, Richard  
Haefner, Robert  
Hinkle, Peyton  
Kurk, Neal  
Mooney, Maureen  
Ober, Lynne  
Reeves, Sandra  
Simon, Anthony  
Stepanek, Stephen  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Coughlin, Pamela  
Elliott, Nancy  
Hall, Betty  
Infantine, William  
Lawrence, James  
Moran, Edward  
Ober, Russell III  
Renzullo, Andrew  
Soucy, Connie  
Tahir, Saghir  
Winters, Joel

Campbell, David  
Daniels, Gary  
Gargas, Carolyn  
Hansen, Ryan  
Irwin, Anne-Marie  
Matarazzo, Anthony Sr  
O'Connell, Timothy  
Peterson, Andy  
Rowe, Robert  
Spaulding, Jayne  
Ulery, Jordan

Christensen, Chris  
Dokmo, Cynthia  
Graham, John  
Hawkins, Ken  
Jasper, Shawn  
McRae, Karen  
O'Neil, James  
Price, Pamela  
Shaw, Kimberly  
Spratt, Stephen  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Kidder, David  
Tupper, Frank

Bouchard, Candace  
Lockwood, Priscilla  
Webb, Leigh

Hess, David  
MacKay, James

Humphries, Charlie  
Owen, Derek

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Carson, Sharon  
Dumaine, Dudley  
Flockhart, Eileen

Baldasaro, Alfred  
Borden, David  
Casey, Kimberley  
Elliott, Robert  
Garrity, James

Bedrick, Jason  
Buxton, Donald  
Charron, Gene  
Fesh, Bob  
Gleason, John

Belanger, Ronald  
Camm, Kevin  
Devine, James  
Flanders, John Sr  
Gould, Kenneth

Griffin, Mary  
Itse, Daniel  
Kepner, Susan  
Packard, Sherman  
Sanders, Elisabeth  
Wells, Roger

Guthrie, Joseph  
Kappler, Lawrence  
Lund, Howie  
Priestley, Anne  
Stiles, Nancy  
Weyler, Kenneth

Hopfgarten, Paul  
Katsakiores, George  
Moore, Bennett  
Reagan, John  
Waterhouse, Kevin

Ingram, Russell  
Katsakiores, Phyllis  
Nowe, Ronald  
Robertson, Carl  
Welch, David

### STRAFFORD

Brown, Julie

Domingo, Baldwin

Fargo, Thomas

Knowles, William

### SULLIVAN

Ferland, Brenda  
and the motion was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Goley offered floor amendment (2118h).

### Floor Amendment (2118h)

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions. Amend RSA 273-A:1, XI to read as follows:

XI. "Terms and conditions of employment" means wages, hours, and other conditions of employment, ***including matters directly related to safety considerations***, other than managerial policy within the exclusive prerogative of the public employer, or confided exclusively to the public employer by statute or regulations adopted pursuant to statute. ~~[The phrase "managerial policy within the exclusive prerogative of the public employer" shall be construed to include but shall not be limited to the functions, programs and methods of the public employer, including the use of technology, the public employer's organizational structure, and the selection, direction of its personnel, so as to continue public control of governmental functions.]~~

2 New Paragraph; Definitions. Amend RSA 273-A:1, by inserting after paragraph VII the following new paragraph:

VII-a. "Managerial policy within the exclusive prerogative of the public employer" shall be construed to include but shall not be limited to the functions, programs and methods of the public employer, including the use of technology, the public employer's organizational structure, and the selection, direction and number of its personnel, so as to continue public control of governmental functions.

3 Determining Bargaining Unit. Amend RSA 273-A:8, I to read as follows:

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

- (a) Employees with the same conditions of employment;
- (b) Employees with a history of workable and acceptable collective negotiations;
- (c) Employees in the same historic craft or profession;
- (d) Employees functioning within the same organizational unit.

In no case shall the board certify a bargaining unit of less than ~~[10]~~ 5 employees with the same community of interest. ~~[For purposes of this section, probationary employees shall be counted to satisfy the 10 employee minimum requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.]~~

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

I. Adds safety consideration to terms and conditions of employment.

II. Defines "managerial policy within the exclusive prerogative of the public employer."

III. Reduces the number of employees required for certifications a bargaining unit.

Rep. Goley spoke in favor.

Rep. Goley withdrew floor amendment (2118h).



**LAID ON THE TABLE**

Rep. Goley moved that **SB 88**, relative to public employee terms of employment, bargaining units, and dispute resolution, be laid on the table.

Motion adopted.

**RESOLUTION**

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet June 13, 2007 at 10:00 a.m. Adopted.

**LATE SESSION****Third reading and final passage**

**SB 74-FN**, relative to the operation and administration of the state park system.

**SB 143**, naming Jericho Mountain state park and establishing ATV and trail bike trails in such park.

**SB 123**, relative to pole attachments.

**SB 140**, relative to transmission upgrades, the process for siting renewable generation facilities, and the study of demand response programs and distributed generation.

**SB 223-FN**, establishing a New Hampshire medal of honor.

**SB 75-FN**, relative to establishing a south central New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire.

**SB 134-FN-A**, establishing a research and development credit against business taxes.

**SB 137-FN**, removing the prospective repeal of community reinvestment and opportunity zones (CROP zones).

**SB 235-FN-A**, relative to milk support for dairy farmers.

**PERSONAL PRIVILEGE**

Reps. Kjellman and Vaillancourt addressed the House.

**RECESS MOTION**

Rep. Wallner moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming committees of conference. Adopted.

The House recessed at 4:45 p.m.

**RECESS****(Rep. Holden in the Chair)****ENROLLED BILL AMENDMENT**

**SB 231**, exempting certain department of corrections practices and procedures from the provisions of RSA 541-A. (Amendment printed SJ 6-7-07)

Adopted.

**RECESS****(Rep. Ryan in the Chair)****ENROLLED BILL AMENDMENTS**

**HB 103**, establishing a commission to study the state highway trust fund and relative to the classification of certain roads in the city of Berlin and the town of Hooksett.

**Amendment (1755 –EBA)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a commission to study the state highway trust fund and relative to the classification of certain roads in the town of Hooksett.

Adopted.

**HB 219**, relative to the membership of the wetlands council.

**Amendment (1874-EBA)**

Amend RSA 21-O:5-a, I(g) as inserted by section 1 of the bill by replacing line 13 with the following: Association; ~~and~~ one shall have experience in environmental protection and resource management at  
Adopted.

**HB 252-FN**, relative to exemption from the permitting process for excavating and dredging.

**Amendment (2031-EBA)**

Amend RSA 482-A:3, IV-a as inserted by section 1 of the bill by replacing line 3 with the following: department **by the owner of property** that includes the name and address of ~~[the owner of]~~ the  
Adopted.

**HB 292**, relative to consideration of the preference of a mature minor in the modification of parental rights and responsibilities.

**Amendment (1739-EBA)**

Amend section 1 of the bill by replacing line 7 with the following:  
may have affected the minor child's preference, including ~~[-but not limited to,]~~ whether the minor child's preference was  
Adopted.

**HB 472-FN**, increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements.

**Amendment (1860-EBA)**

Amend section 8 of the bill by replacing line 1 with the following:

8 Rulemaking; Records and Department Costs. Amend RSA 147-F:18, I(i) to read as follows:  
Amend section 12 of the bill by replacing line 4 with the following:  
year to the governor and council, speaker of the house of representatives, and president of the senate,  
Adopted.

**HB 623-FN**, establishing a game management account in the fish and game fund and transferring certain other fish and game accounts into the game management account.

**Amendment (2038-EBA)**

Amend section 7 of the bill by replacing paragraph I with the following:

I. RSA 6:12, I(b)(159), relative to the bear management fund.  
Adopted.

**HB 727-FN**, establishing a commission to study health insurance coverage in the construction industry.

**Amendment (1865-EBA)**

Amend subparagraph I(a)(2) of section 3 of the bill by replacing line 1 with the following:

(2) Applicable ordinances, policies, rules, and laws to determine if structural  
Adopted.

**HB 743**, relative to the rights of crime victims while making a victim impact statement.

**Amendment (2032-EBA)**

Amend RSA 21-M:8-k, II(r) as inserted by section 2 of the bill by replacing line 1 with the following:

(r) The right to be notified *of*, ~~and~~ to attend, **and to make a written or oral victim**  
Adopted.

**HB 918-FN**, relative to motor vehicle registrations for manufacturers.

**Amendment (1788-EBA)**

Amend RSA 261:111-a, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. A manufacturer may have up to 12 number plates assigned to it pursuant to a registration  
Adopted.

**RECESS**

**(Rep. Kaen in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 86, 323, 396 and 482 and Senate Bills numbered 182 and 207.

Rep. Hager, Sen. D'Allesandro for the Committee

**ENROLLED BILL AMENDMENT**

**HB 427**, defining construction and demolition debris and certified waste-derived product, and relative to the department of environmental services certifying waste-derived products of the wood component of construction and demolition debris.

**Amendment (1711-EBA)**

Amend section 2 of the bill by replacing line 5 with the following:  
structures or roads. The term includes, but is not limited to, bricks, concrete and other masonry materials, wood, wall

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Nullification of Duplicate Provision; HB 428; Definition; Construction and Demolition Debris. Section 3 of HB 428 of the 2007 regular session shall not take effect.  
Adopted.

**RECESS**

**(Rep. Wallner in the Chair)**

**SENATE MESSAGES****CONCURRENCE**

**HB 184**, repealing the parental notification law.

**HB 393**, relative to information filed by utilities paying the utility property tax.

**HB 457**, allowing local governing bodies to restrict lawn watering during declared droughts.

**HB 826-FN**, relative to coverage of services and items under the medical assistance program.

**HB 827-FN**, relative to the reasonable cost of medical support for dependent children.

**HB 236**, relative to the use of "farmers' market" in trade names.

**NONCONCURRENCE**

**HB 815-FN-A**, requiring the display of boater education decals on vessels registered in other states.

**HB 62**, relative to balloons being released into the air.

**HB 137**, relative to food safety in restaurants.

**HB 558**, repealing the education trust fund.

**HB 848**, relative to a private right of action to recover workers' compensation coverage payments.

**RE-REFERRED TO COMMITTEE**

**HB 539-FN**, relative to manslaughter.

**HB 232**, relative to retaliatory rent increases and mediation of manufactured housing park disputes.

**HB 254**, relative to mandatory employer meetings about political and religious beliefs, including beliefs about joining a union.

**HB 392**, relative to the use of property held by the state of New Hampshire under an easement specifying low impact recreational use only.

**HB 460**, relative to conservation restrictions to protect public water supplies.

**LAID ON THE TABLE**

**HB 51**, permitting adoption by 2 unmarried adults in a familial relationship.

**HB 203**, relative to protections for temporary workers.

RECESS

**(Rep. Wallner in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 38, 56, 104, 142, 188, 207, 218, 226, 247, 273, 298, 303, 318, 426, 427, 444, 447, 466, 519, 549, 551, 648, 673, 688, 709, 719, 721, 803 and 926 and Senate Bills numbered 30, 33, 42, 53, 81, 95, 107, 113, 128, 135, 139, 184, 241, 245, 254 and 258.

Rep. Hager, Sen. D'Allesandro for the Committee

RECESS

**(Speaker Norelli in the Chair)**

Rep. Wallner moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 20**

Wednesday, June 13, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

From the book, Common Prayers by Michael Leunig.

God give us rain when we expect sun.

Give us music when we expect trouble.

Give us tears when we expect breakfast.

Give us dreams when we expect a storm.

Give us a stray dog when we expect congratulations.

God play with us, turn us sideways and around.

Amen.

Rep. Brueggemann, member from Concord, led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. David Cote, Forest, Ginsburg and Martineau, the day, illness.

Reps. Beauchesne, Bergin, Blanchard, Julie Brown, Burrige, Butler, Mark Clark, DeChane, Ferland, Goley, Grassie, Headd, Leishman, Lerandeau, Lessard, Lisle, Matheson, Miller, O'Connell, Pilotte, Plifka, Serlin, Velez, Walz and Wickson, the day, important business.

**INTRODUCTION OF GUESTS**

Anne Campbell, sister of Rep. Hinkle. Adrianna Rose and Justin Slavin, niece and guest of Rep. Buco. Rachelle Bedrick, mother of Rep. Bedrick. Dan Kelly, brother of Rep. Sally Kelly. Honorable John Laurent, former member from Westmoreland, guest of Rep. Carson.

**SENATE MESSAGES****REQUEST CONCURRENCE WITH AMENDMENTS**

**HB 94**, relative to overpayments of child support. (Amendment printed SJ 6-7-07)

Rep. Gile moved that the House concur and spoke in favor.

Adopted.

**HB 305**, establishing a task force to develop legislation for expanding access to affordable health insurance for the 2008 and 2009 legislative session. (Amendment printed SJ 6-6-07)

Rep. Reardon moved that the House concur and spoke in favor.

Adopted.

**HB 194**, relative to laboratories conducting alcohol concentration tests. (Amendment printed SJ 6-7-07)

Rep. William Knowles moved that the House concur and spoke in favor.

Adopted.

**HB 707**, relative to the time frames for hearings in domestic violence cases. (Amendments printed SJ 6-7-07)

Rep. William Knowles moved that the House concur and spoke in favor.

Adopted.

**HB 87**, relative to the exceptions to compulsory school attendance. (Amendment printed SJ 6-7-07)

Rep. Rous moved that the House concur and spoke in favor.

Adopted.

**HB 205**, relative to procedures for certain court ordered out-of-district placements. (Amendment printed SJ 6-7-07)

Rep. Rous moved that the House concur and spoke in favor.

Adopted.

**HB 661-FN-A**, establishing an executive planning commission on special education. (Amendments printed SJ 5-24-07)

Reps. Rous and Marjorie Smith moved that the House concur.

Rep. Rous spoke in favor.

Adopted.

**HB 822**, relative to enrollment of students in regional vocational schools. (Amendment printed SJ 6-6-07)

Rep. Rous moved that the House concur and spoke in favor.

Adopted.

**HB 914-L**, establishing a committee to study issues related to cooperative school districts. (Amendment printed SJ 5-24-07)

Rep. Rous moved that the House concur and spoke in favor.

Adopted.

**HB 206**, relative to the disclosure of certain livestock health information and relative to voluntary registration of livestock and agricultural premises. (Amendment printed SJ 5-31-07)

Rep. Phinizy moved that the House concur, spoke in favor and yielded to questions.

Adopted.

**HB 407-FN-A**, relative to assistance for milk producers. (Amendments printed SJ 5-31-07)

Reps. Phinizy and Marjorie Smith moved that the House concur.

Rep. Phinizy spoke in favor and yielded to questions.

Adopted.

**HB 416**, relative to mercury reduction. (Amendment printed SJ 6-6-07)

Rep. Phinizy moved that the House concur and spoke in favor.

Adopted.

**HB 672**, establishing a commission to study requirements for safe and secure landfills. (Amendment printed SJ 6-7-07)

Rep. Phinizy moved that the House concur and spoke in favor.

Adopted.

**HB 699**, establishing a commission to study methods and costs of sewage, sludge, and septage disposal. (Amendment printed SJ 6-7-07)

Rep. Phinizy moved that the House concur and spoke in favor.

Adopted.

**HB 812**, relative to making permanent certain exceptions to limits on land application of septage and sludge. (Amendment printed SJ 6-7-07)

Rep. Phinizy moved that the House concur and spoke in favor.

Adopted.

**HB 140**, establishing the New Hampshire commission on deafness and hearing loss. (Amendments printed SJ 6-7-07)

Rep. Rosenwald moved that the House concur and spoke in favor.

Adopted.

**HB 148**, establishing a commission to study pharmaceutical costs and the 340B Drug Pricing Program. (Amendment printed SJ 6-7-07)

Rep. Rosenwald moved that the House concur and spoke in favor.

Adopted.

**HB 517**, establishing a commission to investigate cost drivers in providing health care. (Amendments printed SJ 6-7-07)

Rep. Rosenwald moved that the House concur and spoke in favor.

Adopted.

**HB 143**, relative to the apportionment of damages in civil actions. (Amendment printed SJ 6-7-07)

Rep. Wall moved that the House concur and spoke in favor.

Reps. Sorg and DiFruscia spoke in favor and yielded to questions.

Rep. Dokmo spoke against.

Rep. Infantine spoke against and yielded to questions.

Rep. Lasky spoke in favor.

**MOTION TO LAY ON THE TABLE**

Rep. Vaillancourt moved that **HB 143**, relative to the apportionment of damages in civil actions, be laid on the table.

Rep. Lasky requested a roll call; sufficiently seconded.

**YEAS 143 NAYS 192**

**YEAS 143****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Russell, David	Tilton, Franklin	Wendelboe, Fran	Whalley, Michael

**CARROLL**

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Heard, Virginia
Knox, J. David	Martin, James	Morrow, Harry	Patten, Betsey

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Pelkey, Stephen
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**COOS**

King, Frederick	Remick, William	Stohl, Eric	Tholl, John Jr
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**GRAFTON**

Bulis, Lyle	Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul
Lovett, Sid	Williams, Burton		

**HILLSBOROUGH**

Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris	Christiansen, Lars
Coughlin, Pamela	Crane, Elenore Casey	Daniels, Gary	Day, Russell
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gargas, Carolyn	Goyette, Peter	Graham, John
Haefner, Robert	Hall, Betty	Hinkle, Peyton	Hogan, Edith
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Levasseur, Nickolas	Manney, Pamela	McRae, Karen	Messier, Irene
Ober, Lynne	Ober, Russell III	Peterson, Andy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rochette, Eric	Rowe, Robert
Soucy, Connie	Spaulding, Jayne	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Winters, Joel

**MERRIMACK**

Anderson, Eric	Hess, David	Humphries, Charlie	Kidder, David
Lockwood, Priscilla	MacKay, James	Webb, Leigh	Yeaton, Charles

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Belanger, Ronald
Bettencourt, David	Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Case, Frank	Casey, Kimberley	Charron, Gene
Dalrymple, David	Devine, James	Dumaine, Dudley	Emiro, Frank
Fesh, Bob	Flanders, John Sr	Garrity, James	Gleason, John
Gould, Kenneth	Griffin, Mary	Guthrie, Joseph	Hopfgarten, Paul
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Itse, Daniel
Kappler, Lawrence	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	McMahon, Charles	Moore, Benjamin	Nowe, Ronald
Pearson, Mark	Priestley, Anne	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reagan, John	Robertson, Carl	Sanders, Elisabeth
Stiles, Nancy	Waterhouse, Kevin	Weare, Everett	Welch, David
Wells, Roger	Weyler, Kenneth	Winchell, George	

**STRAFFORD**

Fargo, Thomas

Goodwin, Earle

Sprague, Dale

Watson, Robert

**SULLIVAN**

Rodeschin, Beverly

Skinder, Carla

**NAYS 192****BELKNAP**

Arsenault, Beth

Morrison, Gail

Reever, Judith

**CARROLL**

Bridgham, Robert

Buco, Thomas

Cunningham, Howard

**CHESHIRE**

Allen, Peter

Chase, William

Mitchell, Bonnie

Robertson, Timothy

Butcher, Suzanne

Dunn, J. Timothy

Parkhurst, Henry

Sad, Tara

Butterworth, Timothy

Eaton, Daniel

Richardson, Barbara

Weber, Lucy

Butynski, William

Loll, Thomas

Roberts, Kris

Weed, Charles

**COOS**

Hatch, William

Theberge, Robert

Mears, Edgar

Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

**GRAFTON**

Aguir, James

Bleyler, Ruth

Hammond, Lee

Mulholland, Catherine

Solomon, Peter

Almy, Susan

Cooney, Mary

Harding, A Laurie

Nordgren, Sharon

Sorg, Gregory

Andersen, Gene

Estes, Carole

Laliberte, Suzanne

Pierce, David

Benn, Bernard

Friedrich, Carol

McLeod, Martha

Preston, Philip

**HILLSBOROUGH**

Baroody, Benjamin

Brunelle, Michael

Daler, Jennifer

Foster, Linda

Haley, Robert

Hebert, Roger

Jeuzy, Jean

Knowles, Mary Ann

Long, Patrick

Mooney, Maureen

Reuschel, Michael

Shattuck, Gilman

Smith, David

Sysyn, Mary

Barry, Richard

Campbell, David

Edwards, Andrew

Garrity, Patrick

Hammond, Jill

Holden, Randolph

Johnson, Stephen

Kopka, Angeline

Mack, Ron

Movsesian, Lori

Rosenwald, Cindy

Shaw, Barbara

Spratt, Stephen

Beaulieu, Jane

Clemons, Jane

Essex, David

Gorman, Mary

Harvey, Suzanne

Irwin, Anne-Marie

Kaelin, Michael

Lasky, Bette

Marshall, Seth

O'Brien, Michael Sr

Scannell, David

Shaw, Kimberly

Sullivan, Daniel

Beck, Catriona

Cote, Peter

Fontas, Jeffrey

Hackel, Paul

Hawkins, Ken

Jean, Claudette

Knowles, John

Levesque, Melanie

Mesa, Lily

O'Neil, James

Schulze, Joan

Simon, Anthony

Sullivan, Francis

**MERRIMACK**

Baxley, Maureen

Clarke, Claire

Ehlers, Eileen

Greco, Vincent

McMahon, Patricia

Potter, Frances

Shurtleff, Stephen

Wheeler, Deborah

Bouchard, Candace

Davis, Frank

Foose, Robert

Hamm, Christine

Osborne, Jessie

Reardon, Tara

Tilton, Joy

Williams, Robert

Brown, Carole

DeJoie, John

French, Barbara

Kelly, Sally

Owen, Derek

Richardson, Gary

Tupper, Frank

Brueggemann, Donald

DeStefano, Stephen

Gile, Mary

Kjellman, Eleanor Glynn

Porter, Margaret

Ryan, Jim

Wallner, Mary

**ROCKINGHAM**

Abbott, Dennis

Day, Judith

Bishop, Franklin

DiFruscia, Anthony

Borden, David

Elliott, Robert

Brown, C. Pennington

Flockhart, Eileen



Grote, Otto  
Kelley, Jane  
McCarthy, Linda  
Moore, Bennett  
Russell, Trinka

Henson, John  
Kennedy, James  
McEachern, Paul  
Nord, Susi  
Snow, Richard

Howard, Doreen  
Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Splaine, James

Johnson, Robert  
Lister, Charlotte  
Moody, Marcia  
Powers, James

### STRAFFORD

Berube, Roger  
Brown, Larry  
Domingo, Baldwin  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Wall, Janet

Billian, Deborah  
Browne, Brendon  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Warren, Nancy

Brennan, William  
Burke, Rachel  
Hubbard, Pamela  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith

Brown, Jennifer  
Cyr, James  
Hutz, Sarah  
Oppenheimer, Kay  
Rous, Emma  
Vachon, Dennis

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew

Franklin, Peter  
Jillette, Arthur Jr

and the motion failed.

The question now being adoption of the motion to concur with the Senate amendment on **HB 143**, relative to the apportionment of damages in civil actions.

Rep. John Flanders moved the previous question.

Adopted.

On a division vote, 182 members having voted in the affirmative and 153 in the negative, the motion was adopted.

**HB 337**, relative to penalties for failure to have workers' compensation coverage and continually appropriating a special fund. (Amendments printed SJ 5-24-07)

Reps. Mears and Almy moved that the House concur.

Rep. Mears spoke in favor.

Adopted.

**HB 471-FN-A**, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund. (Amendments printed SJ 5-24-07)

Reps. Mears and Almy moved that the House concur.

Rep. Mears spoke in favor.

Adopted.

**HB 797**, regulating mandatory overtime for nurses and assistants. (Amendment printed SJ 6-6-07)

Rep. Mears moved that the House concur and spoke in favor.

Adopted.

Rep. Roberts declared a conflict of interest on **HB 797** and did not participate.

**HB 731**, relative to the use of vehicle information or location tracked by an electronic toll collection system. (Amendment printed SJ 5-24-07)

Rep. Bouchard moved that the House concur and spoke in favor.

Adopted.

**HB 319**, relative to emergency permits for projects funded through the Emergency Watershed Protection Program. (Amendment printed SJ 5-31-07)

Rep. Spang moved that the House concur and spoke in favor.

Adopted.

**HB 383**, relative to waterfront buffer and woodland buffer requirements in the comprehensive shoreland protection act. (Amendments printed SJ 6-7-07)

Rep. Spang moved that the House concur and spoke in favor.

Adopted.

**HB 663-FN-A**, relative to the protected shoreland permitting process and establishing and funding positions within the department of environmental services. (Amendment printed SJ 6-7-07)  
 Reps. Spang and Marjorie Smith moved that the House concur.  
 Rep. Spang spoke in favor and yielded to questions.  
 Rep. Brueggemann yielded to questions.  
 Adopted.

**HB 664-FN**, relative to annual dam registration and permit application fees. (Amendments printed SJ 6-7-07)  
 Reps. Spang and Almy moved that the House concur.  
 Rep. Spang spoke in favor.  
 On a division vote, 172 members having voted in the affirmative and 78 in the negative, the motion was adopted.

**HB 710**, establishing a commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters. (Amendment printed SJ 5-31-07)  
 Rep. Spang moved that the House concur and spoke in favor.  
 Adopted.

**HB 511**, increasing the total prize value of a bingo game or series of games. (Amendments printed SJ 6-7-07)  
 Rep. Almy moved that the House concur and spoke in favor.  
 Adopted.

**HB 597-FN**, relative to expenditure caps for institutional health facilities under the certificate of need law. (Amendment printed SJ 5-24-07)  
 Reps. Donovan and Marjorie Smith moved that the House nonconcur.  
 Rep. Donovan spoke in favor.  
 Adopted.  
 Rep. Rosenwald declared a conflict of interest on **HB 597-FN** and did not participate.

**HB 833**, establishing a committee to study the outsourcing of jobs involving state contracts. (Amendment printed SJ 5-31-07)  
 Rep. Gorman moved that the House nonconcur, spoke in favor and yielded to questions.  
 On a division vote, 263 members having voted in the affirmative and 66 in the negative, the motion was adopted.

**(Rep. Foster in the Chair)**

#### SENATE MESSAGES

#### REQUEST CONCURRENCE WITH AMENDMENTS (CONT'D)

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009. (Amendment printed SJ 6-7-07)  
 Rep. Marjorie Smith moved that the House nonconcur and request a Committee of Conference.  
 Rep. Marjorie Smith spoke in favor and yielded to questions.  
 Rep. Almy yielded to questions.  
 Adopted.

The Speaker appointed Reps. Marjorie Smith, Daniel Eaton, Nordgren, Almy and Kurk.  
 Alternates: Reps. Wallner, Franklin and Wendelboe.

**(Speaker Norelli in the Chair)**

#### SENATE MESSAGES

#### REQUEST CONCURRENCE WITH AMENDMENTS (cont'd)

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. (Amendments printed SJ 6-7-07)  
 Rep. Marjorie Smith moved that the House nonconcur and request a Committee of Conference.  
 Adopted.

The Speaker appointed Reps. Marjorie Smith, Foster, DeJoie, Marsh and Weyler.  
 Alternates: Reps. Leishman, McLeod and Major.

**HB 25-FN-A**, making appropriations for capital improvements. (Amendment printed SJ 6-6-07)  
 Rep. Bouchard moved that the House nonconcur and request a Committee of Conference.  
 Adopted.

The Speaker appointed Reps. Bouchard, Campbell, Benn and Graham.

**HB 37**, relative to notification requirements for criminal offenders. (Amendment printed SJ 5-31-97)  
Rep. Rous moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Hess, Barbara Shaw, Judith Day and Welch.

**HB 95-L**, relative to the treatment of charter school pupils in the definition of average daily membership in residence. (Amendment printed SJ 5-31-07)

Rep. Rous moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Dunn, Casey, Reeve and Price.

**HB 134**, relative to electronic prescribing for prescription drugs. (Amendment printed SJ 6-7-07)

Rep. Rosenwald moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Rosenwald, Evalyn Merrick, Butcher and Case.

**HB 229**, relative to licensing requirements for operators of games of chance. (Amendments printed SJ 6-7-07)

Rep. Irwin moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Hawkins, Butynski, Velez and Francis Sullivan.

**HB 365**, establishing a commission to study foreclosures of home mortgages and the foreclosure rescue scam industry. (Amendments printed SJ 5-31-07)

Rep. Reardon moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Reardon, DeStefano, Spratt and Pelkey.

**HB 377-FN-L**, relative to the right-to-know law. (Amendment printed SJ 6-7-07)

Rep. Wall moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Shurtleff, Weber, Wall and Jasper.

**HB 410**, establishing a commission on child support issues. (Amendments printed SJ 5-31-07)

Rep. Gile moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Gile, Flockhart, Moran and Spaulding.

**HB 429**, relative to nominations by multiple parties. (Amendment printed SJ 6-6-07)

Rep. Clemons moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Clemons, Perry, Pierce and Drisko.

**HB 488-FN-A-L**, relative to the state chief medical examiner and medico-legal death investigations and making an appropriation to the department of justice for autopsy costs. (Amendment printed SJ 6-7-07)

Reps. William Knowles and Marjorie Smith moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Franklin, William Knowles, King and Welch.

**HB 498-FN-A**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department. (Amendments printed SJ 6-7-07)

Reps. Spang and Marjorie Smith moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Bouchard, Benn, Tupper and Kurk.

**HB 533**, relative to Occupational Safety and Health Administration certification requirements for state contracts. (Amendment printed SJ 5-31-07)

Rep. Gorman moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Sally Kelly, Stephen Johnson, Ryan and Bedrick.

**HB 723**, extending the moratoriums on nursing home beds and rehabilitation. (Amendment printed SJ 5-24-07)

Rep. Rosenwald moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Rosenwald, Donovan, McLeod and MacKay.

**HB 767**, relative to insurance for volunteer drivers. (Amendment printed SJ 5-24-07)

Rep. Reardon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Reardon, Bucu, Matthew Quandt and Spratt.

**HB 796**, relative to civil liability for damaging highway protective barriers. (Amendment printed SJ 5-31-07)

Reps. Bouchard and Wall moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Cloutier, Cyr, Gary Richardson and Chandler.

**HB 828-FN**, relative to a state ethics officer. (Amendment printed SJ 6-6-07)

Rep. Irwin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Harding, Michael Rollo, Manney and Millham.

**HB 903-FN**, prohibiting delivery of oil to non-compliant underground storage facilities. (Amendments printed SJ 5-31-07)

Rep. Spang moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Spang, Spratt, Houde and Chris Christensen.

**HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education. (Amendment printed SJ 6-6-07)

Rep. Rous moved that the House nonconcur and request a Committee of Conference.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Rous spoke in favor.

Rep. Burke requested a roll call; sufficiently seconded.

## YEAS 223 NAYS 104

### YEAS 223

#### BELKNAP

Heald, Bruce  
Reever, Judith

Millham, Alida  
Russell, David

Morrison, Gail  
Wood, Jane

Pilliod, James

#### CARROLL

Bridgham, Robert

Cunningham, Howard

Heard, Virginia

Knox, J. David

#### CHESHIRE

Allen, Peter  
Butynski, William  
Loll, Thomas  
Roberts, Kris  
Weed, Charles

Burridge, Delmar  
Chase, William  
Mitchell, Bonnie  
Robertson, Timothy

Butcher, Suzanne  
Dunn, J. Timothy  
Parkhurst, Henry  
Sad, Tara

Butterworth, Timothy  
Eaton, Daniel  
Richardson, Barbara  
Weber, Lucy

#### COOS

Hatch, William  
Theberge, Robert

Merrick, Evalyn  
Tholl, John Jr

Merrick, Scott  
Thomas, Yvonne

Remick, William

#### GRAFTON

Aguiar, James  
Bleyler, Ruth  
Gionet, Edmond  
Lovett, Sid  
Solomon, Peter

Almy, Susan  
Cooney, Mary  
Hammond, Lee  
Mulholland, Catherine  
Williams, Burton

Andersen, Gene  
Estes, Carole  
Harding, A Laurie  
Pierce, David

Benn, Bernard  
Friedrich, Carol  
Laliberte, Suzanne  
Preston, Philip

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Dokmo, Cynthia  
Fontas, Jeffrey  
Gorman, Mary  
Hammond, Jill  
Irwin, Anne-Marie  
Kaelin, Michael  
Lasky, Bette  
Marshall, Seth  
Movsesian, Lori  
Reuschel, Michael  
Schulze, Joan  
Simon, Anthony  
Sysyn, Mary

Beaulieu, Jane  
Clemmons, Jane  
Edwards, Andrew  
Foster, Linda  
Graham, John  
Harvey, Suzanne  
Jean, Claudette  
Knowles, John  
Levasseur, Nickolas  
Matarazzo, Anthony Sr  
O'Brien, Michael Sr  
Rochette, Eric  
Shattuck, Gilman  
Spratt, Stephen

Beck, Catriona  
Cote, Peter  
Emerton, Larry  
Gargas, Carolyn  
Hackel, Paul  
Hebert, Roger  
Judy, Jean  
Knowles, Mary Ann  
Long, Patrick  
Mesa, Lily  
O'Neil, James  
Rosenwald, Cindy  
Shaw, Barbara  
Sullivan, Daniel

Brunelle, Michael  
Daler, Jennifer  
Essex, David  
Garrity, Patrick  
Hall, Betty  
Holden, Randolph  
Johnson, Stephen  
Kopka, Angeline  
Mack, Ron  
Messier, Irene  
Price, Pamela  
Scannell, David  
Shaw, Kimberly  
Sullivan, Francis

**MERRIMACK**

Baxley, Maureen  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kelly, Sally  
MacKay, James  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
Kidder, David  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Webb, Leigh

Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Kjellman, Eleanor Glynn  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Wheeler, Deborah

Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Hess, David  
Lockwood, Priscilla  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Williams, Robert

**ROCKINGHAM**

Abbott, Dennis  
Case, Frank  
DiFruscia, Anthony  
Howard, Doreen  
Kennedy, James  
McEachern, Paul  
Nord, Susi  
Russell, Trinkia  
Weare, Everett

Borden, David  
Casey, Kimberley  
Flockhart, Eileen  
Ingram, Russell  
Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Snow, Richard  
Wells, Roger

Brown, C. Pennington  
Charron, Gene  
Gould, Kenneth  
Johnson, Robert  
Lister, Charlotte  
Moody, Marcia  
Powers, James  
Splaine, James  
Winchell, George

Cali-Pitts, Jacqueline  
Day, Judith  
Grote, Otto  
Kelley, Jane  
McCarthy, Linda  
Moore, Bennett  
Robertson, Carl  
Stiles, Nancy

**STRAFFORD**

Berube, Roger  
Brown, Larry  
Domingo, Baldwin  
Hubbard, Pamela  
Mickelson, Shawn  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Billian, Deborah  
Browne, Brendon  
Fargo, Thomas  
Hutz, Sarah  
Oppenheimer, Kay  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Brennan, William  
Burke, Rachel  
Goodwin, Earle  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Vachon, Dennis

Brown, Jennifer  
Cyr, James  
Hofemann, Roland  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

**NAYS 104  
BELKNAP**

Allen, Janet  
Neddeau, Stephen

Boyce, Laurie  
Tilton, Franklin

Clark, Charles  
Wendelboe, Fran

Flanders, Donald  
Whalley, Michael

**CARROLL**

Ahlgren, Christopher  
Morrow, Harry

Brown, Carolyn  
Patten, Betsey

Chandler, Gene

Martin, James

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

Pelkey, Stephen

**COOS**

King, Frederick

Stohl, Eric

**GRAFTON**

Bulis, Lyle

Eaton, Stephanie

Ingretson, Paul

Sorg, Gregory

**HILLSBOROUGH**

Barry, Richard  
Christiansen, Lars  
Day, Russell  
Haefner, Robert  
Infantine, William  
Manney, Pamela  
Ober, Russell III  
Rowe, Robert  
Stepanek, Stephen  
Villeneuve, Maurice

Batula, Peter  
Coughlin, Pamela  
Drisko, Richard  
Hansen, Ryan  
Jasper, Shawn  
McRae, Karen  
Peterson, Andy  
Smith, David  
Tahir, Saghir  
Winters, Joel

Bergeron, Jean-Guy  
Crane, Elenore Casey  
Elliott, Nancy  
Hawkins, Ken  
Kurk, Neal  
Mooney, Maureen  
Reeves, Sandra  
Soucy, Connie  
Ulery, Jordan

Christensen, Chris  
Daniels, Gary  
Goyette, Peter  
Hogan, Edith  
L'Heureux, Robert  
Ober, Lynne  
Renzullo, Andrew  
Spaulding, Jayne  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric

Humphries, Charlie

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Dalrymple, David  
Emiro, Frank  
Gleason, John  
Introne, Robert  
Katsakiores, Phyllis  
Moore, Benjamin  
Quandt, Marshall  
Sanders, Elisabeth

Baldasaro, Alfred  
Bishop, Franklin  
Devine, James  
Fesh, Bob  
Griffin, Mary  
Itse, Daniel  
Lund, Howie  
Nowe, Ronald  
Quandt, Matthew  
Waterhouse, Kevin

Bedrick, Jason  
Buxton, Donald  
Dumaine, Dudley  
Flanders, John Sr  
Guthrie, Joseph  
Kappler, Lawrence  
Major, Norman  
Pearson, Mark  
Rausch, James  
Weyler, Kenneth

Belanger, Ronald  
Carson, Sharon  
Elliott, Robert  
Garrity, James  
Hopfgarten, Paul  
Katsakiores, George  
McMahon, Charles  
Priestley, Anne  
Reagan, John

**STRAFFORD**

None

**SULLIVAN**

Rodeschin, Beverly

and the motion was adopted.

The Speaker appointed Reps. Rous, Casey, Dunn and Hess.

**AMENDMENT TO HOUSE RULES**

Reps. Wallner and Whalley moved that House Rules be amended to add the following deadlines for the 2008 legislative Session:

First day to file legislation for 2008 Session  
Last day to file legislation for 2008 Session  
Last day to sign off on 2008 legislation  
Last day to report retained bills  
Last day to introduce House bills for 2008  
Adopted by the necessary two-thirds.

Monday, September 10, 2007  
Friday, September 21, 2007 at 4:00 p.m.  
Friday, November 2, 2007 at 4:00 p.m.  
Friday, November 16, 2007  
Wednesday, January 2, 2008

**SUSPENSION OF RULES**

Reps. Wallner and Whalley moved that House Rule 64 be so far suspended to allow the sign-off deadline on Committees of Conference to be moved from noon to 4:30 p.m. Thursday, June 21, 2007. Adopted by the necessary two-thirds.

**ADJOURNMENT FROM THE EARLY SESSION**

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time and when the House adjourns today it be to meet Wednesday, June 27, 2007 at 10:00 a.m.  
Adopted.

**LATE SESSION****UNANIMOUS CONSENT**

Reps. Bedrick and Larry Brown addressed the House.

**MOTION TO PRINT REMARKS**

Rep. Vaillancourt moved that the remarks made by Rep. Bedrick be printed in the Permanent Journal.  
Adopted.

**REMARKS**

**Rep. Bedrick:** Thank you, Madam Speaker. On June 12, 1987, twenty years ago yesterday, President Ronald Reagan stood at Brandenburg Gate along the Berlin Wall in Germany and issued a challenge, "Gen. Sec. Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization, come here to this gate. Mr. Gorbachev, open this gate. Mr. Gorbachev, tear down this wall." Just two years later, that wall did fall and the Evil Empire came crashing down with it. But in its wake it had left death and destruction of an unimaginable scale. Yesterday, on the anniversary of Reagan's famous speech, the Victims of Communism Memorial in Washington D.C. was dedicated to commemorate the more than one hundred million people murdered by communist regimes in the 20<sup>th</sup> century. Josef Stalin once said, "The death of one man is a tragedy, the death of millions is a statistic." Communism killed more people than nazism, fascism and religious extremism combined. Were we to pause for a moment of silence for one second for every person who had been killed, we would be standing in this chamber for more than three years. Ideas for the new monument abounded. Early proposals included a replica of the Berlin Wall, a Gulag prison, or a boat used by the Vietnamese or Cuban refugees. The final monument is a ten-foot bronze statue based on the "Goddess of Democracy" statue that Chinese dissidents built in Tiananmen Square in 1989 before tanks crushed them and their cause. This is especially fitting as a reminder that the world's most populous nation is still not free today. Anhthu Lu, a financial analyst in Virginia who left Vietnam on a boat as a young girl and who was a part of the memorial foundation, said, "We need to educate people about the terror of Communism and continue to eradicate it from the world." Indeed, this memorial is meant to remember the victims of communism oppression and the heroes who fought against it, like Natan Sharansky; the refuseniks; Aleksandr Solzhenitsyn, who exposed the horrors of the Gulags; and the Polish Solidarity movement. But more than that, it serves as a reminder that there's still a long way to go. The Berlin Wall fell and the Cold War ended, but there are those who appear to be bringing it back from the ashes and who are willing to kill every journalist, businessman or ex-spy who stands in their way. Hugo Chavez in Venezuela recently shut down the last national opposition TV station and, like Russia, has nationalized the oil companies. The Chinese are arresting and torturing Christians and the Falun Gong merely for practicing their faith. Kim Jong Il is starving the North Korean people in order to build nuclear weapons. Fidel Castro continues to hold about three hundred political prisoners in Cuba, such as the poet and journalist Raul Rivero. And, honorable colleagues, if you want to hear stories of escaping communist oppression, you need not look far: just ask Officer Stanley Kolodnicki, one of our very own security guards, who escaped from communist-occupied Poland with his family as a young man. Now, in reflecting upon the evil that communism has wrought in the world, I'm not saying that we're a perfect society; indeed, no perfect society has ever existed. Our history has blemishes and we've made mistakes as a nation. And yet, one must appreciate the blessings of liberty. Indeed, this year in this very chamber, we debated our nation's war policy and the majority voted to criticize our president and the war and yet not one – not one person feared retribution. Not one person worried that they'd be arrested or that they would come home to find that their family had disappeared. We're fortunate enough that we can take that for granted, but to do the same in any of the world's communist-controlled countries is to do so at your own mortal peril. There was an old joke in the Soviet Union about an American lecturing a Russian about freedom. The American explained that, if he wanted, he could walk into the oval

office and tell him, "Mr. Reagan, I deplore the policies of the United States. I think you're leading us down the wrong track." To which the Russian replied, "So what? I can do that too! Just last week I walked into Gorbachev's office and I said, 'Mr. Gorbachev, I deplore the policies of the United States. I think Ronald Reagan is leading them down the wrong track!'" Adlai Stevenson once said, "Communism is the corruption of the dream of justice. Communism is the death of the soul. It is the organization of total conformity – in short, of tyranny – and it is committed to making tyranny universal." I pray that we will live to see the day when this evil ideology is finally relegated to where it belongs: in the ash heap of history. Thank you.

### RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming committees of conference.  
Adopted.

The House recessed at 1:40 p.m.

### RECESS

(Rep. Ryan in the Chair)

### ENROLLED BILL AMENDMENTS

**HB 44**, relative to the authority of authorized persons to take custody of nuisance dogs.

#### Amendment (2131-EBA)

Amend section 1 of the bill by replacing line 1 with the following:

1 Dogs a Menace; Custodial Authority of Authorized Persons. Amend RSA 466:31, III(a) to read  
Adopted.

**HB 46-FN-A-L**, making an appropriation to fund kindergarten programs in the Merrimack, Hampstead, Goffstown, Fremont, and Timberlane regional school districts.

#### Amendment (2124-EBA)

Amend section 1 of the bill by replacing line 5 with the following:

shall lapse on June 30, 2009, and shall be distributed pursuant to 1999, 65:9, I(a), as amended by 2000, 289:2, 2001, 158:37, and 2003.  
Adopted.

**HB 256**, relative to the duties and powers of town treasurers and the notification of a vote taken by the town of Barrington.

#### Amendment (2125-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the duties and powers of town treasurers.

Amend RSA 41:9, VIII as inserted by section 2 of the bill by replacing line 3 with the following: daily whenever such funds total \$500 or more. Remittances to the treasurer from the tax collector  
Amend RSA 41:29, II as inserted by section 3 of the bill by replacing lines 6-7 with the following: reserve bank collateral security for such deposits[?] *of the following types:*

(a) United States government obligations;

Amend RSA 48:16, IV as inserted by section 7 of the bill by replacing line 3 with the following: [674:44-a] **674:44-d** upon order of the heritage commission.  
Adopted.

**HB 286-FN**, relative to a Medicaid waiver for family planning services.

#### Amendment (2133-EBA)

Amend RSA 126-A:4-c as inserted by section 1 of the bill by replacing line 9 with the following: department shall ensure that the state realizes the enhanced 90 percent federal Medicaid match  
Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingency. If HB 538-FN of the 2007 legislative session becomes law, RSA 126-A:4-c as inserted by section 1 of this act may be renumbered.  
Adopted.



**HB 406**, relative to access to state child support enforcement records.

**Amendment (2127-EBA)**

Amend RSA 161-B:7, III as inserted by section 1 of the bill by replacing lines 6-8 with the following: *agents, to administer programs under Title IV, Part A (TANF), Title IV, Part B (child and family services), Title IV, Part D (child support and establishment of paternity), Title IV, Part E (foster care and adoption assistance), Title XIX (medical assistance programs), Title XX (social services block grants), or Title XXI (state*

Amend RSA 161-B:7, III as inserted by section 1 of the bill by replacing lines 14-16 with the following:

*administration of programs under Title IV, Part A (TANF), Title IV, Part B (child and family services), Title IV, Part D (child support and establishment of paternity), Title IV, Part E (foster care and adoption assistance), Title XIX (medical assistance programs), Title XX (social services block grants), or Title XXI (state children's*

Adopted.

**HB 499**, relative to the innovation research center.

**Amendment (2128-EBA)**

Amend RSA 187-A:31 as inserted by section 3 of the bill by replacing line 10 with the following: *may provide services other than grants including but not limited to: training regarding the*

Amend RSA 187-A:35, I as inserted by section 7 of the bill by replacing line 6 with the following: be the executive director of the ~~[industrial]~~ *innovation* research center. The administrative head shall be

Adopted.

**HB 536**, relative to the regulation of martial arts schools.

**Amendment (2130-EBA)**

Amend section 2 of the bill by replacing line 1 with the following:

2 Definition of Health Club; Reference to Self-Defense Studios Deleted. Amend RSA 358-I:2, IV Adopted.

**HB 583-FN**, relative to funding for HIV/AIDS services.

**Amendment (2132-EBA)**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingency. If HB 286-FN of the 2007 legislative session becomes law, RSA 126-A:4-c as inserted by section 1 of this act may be renumbered.

Adopted.

**HB 782-FN**, relative to reinsurance intermediaries, conduct of examinations, and certain business transfer tax credits.

**Amendment (2121-EBA)**

Amend RSA 402-F:10, IV as inserted by section 4 of the bill by replacing line 1 with the following:

IV. Nothing contained in this chapter shall in any manner limit or restrict the rights of Amend RSA 402-F:10-b as inserted by section 5 of the bill by replacing line 8 with the following: service of process, and such changes shall not become effective until acknowledged by the Adopted.

**HB 862-FN**, establishing an incapacitated adult fatality review committee.

**Amendment (2120-EBA)**

Amend paragraph II of section 2 of the bill by replacing line 2 with the following: shall be as follows:

Adopted.

**SB 260-FN**, relative to the location and budget practices of the lottery commission. (Amendment printed SJ 6-14-07)

Adopted.

## SENATE MESSAGES

### CONCURRENCE WITH AMENDMENTS

**SB 27-FN**, relative to the display of the POW-MIA flag.

**SB 29**, updating laws relative to child impact seminars to reflect the implementation of the judicial branch family division.

**SB 38**, relative to uninsured or hit-and-run motor vehicle coverage.

**SB 41**, relative to the authority of law enforcement officers to obtain registration checks on motor vehicles for official purposes and prohibiting the use of automated number plate scanning devices.

**SB 46**, requiring criminal history record checks of all applicants to practice medicine in New Hampshire, and revising the criminal history record checks under the nurse practice act.

**SB 47-FN-A**, making a supplemental appropriation for school building aid.

**SB 55-FN**, establishing a committee to study the efficacy of the Master Settlement Agreement and strategies for addressing the financial burden imposed on the state by cigarette smoking and the use of tobacco products.

**SB 58**, relative to the recommendation for the town budget.

**SB 59**, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

**SB 64**, changing the dates of the reports on court facilities made to the supreme court by the court accreditation commission and made to the commissioner of administrative services by the supreme court.

**SB 66**, relative to involuntary civil commitment of sexually violent predators and relative to payment of the sex offender registration fee by criminal offenders.

**SB 68-FN-A**, making an appropriation to the department of environmental services to implement the New Hampshire estuaries project's comprehensive conservation and management plan.

**SB 69**, relative to exceptions to the confidentiality provisions for certain department of employment security records.

**SB 71**, relative to setback requirements for new landfills located near designated rivers.

**SB 74-FN**, relative to the operation and administration of the state park system.

**SB 75-FN**, relative to establishing a New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire.

**SB 76-FN-L**, establishing a commission to study the proper allocation of costs for transporting convicted persons and methods for minimizing the costs of transporting convicted persons.

**SB 78**, relative to the placement of twins or other multiples in the same classroom.

**SB 82-FN**, reorganizing the administration and governance of the regional community-technical college system.

**SB 92**, relative to the definition of employee and clarifying the criteria for exempting workers from employee status.

**SB 93-FN**, relative to insurance coverage for children's early intervention therapy services.

**SB 98**, relative to party access to voter information.

**SB 109**, relative to emergency powers of the supreme court.

**SB 118**, increasing fines for certain dog violations.

**SB 123**, relative to pole attachments.

**SB 125-FN**, relative to certificates for architect business organizations.

**SB 134-FN-A**, establishing a research and development credit against business taxes and requiring the commission of resources and economic development to report on the research and development tax credit program.

**SB 138-FN-A**, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders.

**SB 140**, relative to transmission upgrades, the process for siting renewable generation facilities, and the study of demand response programs and distributed generation.

**SB 144-FN**, relative to lottery ticket sales and revenue.

**SB 153**, establishing a commission to study changing statutory references to "mental retardation."

**SB 159-FN-L**, relative to polling place arrangement and accessibility.

**SB 160-FN-L**, adding members to the Skyhaven airport operation commission and relative to the Skyhaven airport transfer plan.

**SB 162**, establishing a commission to oversee and negotiate issues relative to the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO).

**SB 168-FN**, establishing tuition waivers for foster children.

**SB 169-FN-A**, establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty and establishing a committee to study the eligibility for and award of the benefit.

**SB 178-FN**, relative to the judicial retirement plan.

**SB 189**, relative to medical benefits under motor vehicle insurance.

**SB 192-FN**, establishing an outreach program in the children's health insurance program.

**SB 197**, relative to continuation of group health insurance in the event of divorce or legal separation.

**SB 206-FN-L**, relative to the investment authority of local government entities and authorizing the city of Nashua to purchase Pennichuck Corporation stock.

**SB 213-FN-A**, establishing a comprehensive cancer plan fund and making an appropriation therefor, and establishing a comprehensive cancer plan oversight board.

**SB 216**, relative to certification of employee organizations to represent public employees.

**SB 222-FN**, relative to health insurance for national guard members.

**SB 223-FN**, establishing a New Hampshire medal of honor and prohibiting funeral protests.

**SB 224-FN-A**, relative to the telecommunications planning and development advisory committee.

**SB 226-FN**, relative to the temporary assistance to needy families (TANF) program.

**SB 237**, establishing a commission on employment issues affecting veterans.

**SB 242-FN**, establishing the intellectual property business loan development program.

**SB 244**, relative to employers withholding from employees' wages for certain purposes.

### NONCONCURRENCE WITH AMENDMENT

**SB 137-FN**, removing the prospective repeal of community reinvestment and opportunity zones (CROP zones).

### RECESS

(Rep. Shurtleff in the Chair)

### ENROLLED BILLS REPORT

The committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 64, 103, 219, 252, 292, 472, 623, 727, 743 and 918 and Senate Bills numbered 136, 152 and 265.

Rep. Hager, Sen. D'Allesandro for the committee

### ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009.

The President appointed Sens. D'Allesandro, Hassan, Sgambati and Odell. Alternates: Sens. Larsen, Janeway and Gallus.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

The President appointed Sens. D'Allesandro, Hassan, Sgambati and Odell. Alternates: Sens. Larsen, Janeway and Gallus.

**HB 25-FN-A**, making appropriations for capital improvements.

The President appointed Sens. Hassan, D'Allesandro and Clegg.

**HB 37**, relative to notification requirements for criminal offenders.

The President appointed Sens. Gottesman, Letourneau and Foster

**HB 83**, relative to the deliberations of the board of tax and land appeals under the right-to-know law.

The President appointed Sens. Hassan, Burling and Barnes.

**HB 95-L**, relative to the treatment of charter school pupils in the definition of average daily membership in residence.

The President appointed Sens. Burling, Kelly and Barnes.

**HB 134**, relative to electronic prescribing for prescription drugs.

The President appointed Sens. Estabrook, Janeway and Gallus.

**HB 187**, establishing that sheriffs' departments have sole jurisdiction to enforce civil orders.

The President appointed Sens. Foster, Reynolds and Letourneau.

**HB 202**, relative to a point system for automobile dealer and inspection station violations.

The President appointed Sens. Letourneau, Kelly and DeVries.

**HB 229**, relative to licensing requirements for operators of games of chance.

The President appointed Sens. D'Allesandro, Reynolds and Odell.

**HB 261**, prohibiting the Carroll county attorney from engaging in the private practice of law.

The President appointed Sens. Foster, Clegg and Gottesman.

**HB 293**, allowing municipalities to establish agricultural commissions.

The President appointed Sens. Hassan, DeVries and Barnes.

**HB 306**, establishing a task force on work and family.

The President appointed Sens. Cilley, Fuller Clark and Roberge.

**HB 365**, establishing a commission to study foreclosures of home mortgages and the foreclosure rescue scam industry.

The President appointed Sens. Gottesman, Reynolds and Barnes.

**HB 377-FN-L**, relative to the right-to-know law.

The President appointed Sens. Foster, Burling and Downing.

**HB 429**, relative to nominations by multiple parties.

The President appointed Sens. Burling, DeVries and Letourneau.

**HB 488-FN-A-L**, relative to the state chief medical examiner and medico-legal death investigations and making an appropriation to the department of justice for autopsy costs.

The President appointed Sens. D'Allesandro, Cilley and Downing.

**HB 498-FN-A**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department.

The President appointed Sens. D'Allesandro, Janeway and Clegg.

**HB 533**, relative to Occupational Safety and Health Administration certification requirements for state contracts.

The President appointed Sens. Foster, Larsen and Gallus.

**HB 653**, relative to the determination of benefits, funding, and administration of the New Hampshire retirement system.

The President appointed Sens. Burling, Janeway and Downing.

**HB 659-FN**, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements.

The President appointed Sens. DeVries, Hassan and Clegg.

**HB 723**, extending the moratoriums on nursing home beds and rehabilitation.

The President appointed Sens. Estabrook, Sgambati and Kenney.

**HB 735**, relative to the form of the presidential primary election ballot.

The President appointed Sens. Burling, Letourneau and DeVries.

**HB 767**, relative to insurance for volunteer drivers.

The President appointed Sens. D'Allesandro, Gallus and Foster.

**HB 796**, relative to civil liability for damaging highway protective barriers.

The President appointed Sens. Clegg, Reynolds and Foster.

**HB 828-FN**, relative to a state ethics officer.

The President appointed Sens. Burling, Clegg and Foster.

**HB 876-FN-L**, establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirements system.

The President appointed Sens. Burling, Kelly and Downing.

**HB 882-FN**, relative to limitations on tort liability of government units.

The President appointed Sens. Foster, Gottesman and Clegg.

**HB 903-FN**, prohibiting delivery of oil to non-compliant underground storage facilities.

The President appointed Sens. Fuller Clark, Janeway and Barnes.

**HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education.

The President appointed Sens. Estabrook, Foster and Odell.

## **REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE**

**HB 410**, establishing a commission on child support issues.

RECESS

**(Rep. Wallner in the Chair)**

**NONCONCURS WITH AMENDMENT  
REQUESTS COMMITTEE OF CONFERENCE**

**SB 217-FN-A**, establishing the New Hampshire housing and conversation planning program.  
The President appointed Sens. Fuller Clark, Barnes and Cilley.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. Osborne, Cooney, Butterworth and Baroody.

RECESS

**(Rep. Claudia Chase in the Chair)**

**NONCONCURS WITH AMENDMENT  
REQUESTS COMMITTEE OF CONFERENCE**

**SB 143**, naming Jericho Mountain state park and establishing ATV and trail bike trails in such park.  
The President appointed Sens. Fuller Clark, Cilley and Gallus.

Rep. Perry moved that the House accede.

Adopted.

The Speaker appointed Reps. Brueggemann, Gottling, Kepner and David Russell.

RECESS

**(Rep. Clemons in the Chair)**

**NONCONCURS WITH AMENDMENT  
REQUESTS COMMITTEE OF CONFERENCE**

**SB 35-FN-A**, making an appropriation for disaster relief assistance in response to the May 2006 and April 2007 floods and establishing a committee to study the distribution of financial disaster assistance.  
The President appointed Sens. Hassan, Janeway and Odell.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. King, Marjorie Smith, Stepanek and Foster.

**SB 52**, relative to authorizing the attorney general to bring actions for violations of New Hampshire combination and monopolies law.

The President appointed Sens. Gottesman, Reynolds and Clegg.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. DeStefano, Butler, Reardon and Marshall Quandt.

**SB 67-FN-A**, relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor.

The President appointed Sens. D'Allesandro, Hassan and Gatsas.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. Rausch, Long, Cloutier and Emerton.

**SB 91**, relative to political contributions by corporations, partnerships, and labor unions.

The President appointed Sens. Foster, Burling and Letourneau.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. Clemons, Weed, Claudia Chase and Jasper.

**SB 106**, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch.

The President appointed Sens. Burling, Foster and Clegg.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. Michael Rollo, Lee Hammond, Hager and Clemons.

**SB 161-FN**, relative to the registration fees for mortgage servicing companies and relative to debt adjustment services.

The President appointed Sens. Gottesman, Foster and Barnes.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. Reardon, Hunt, DeStefano and Nord.

**SB 170-FN**, establishing an office of mediation and arbitration within the judicial branch.

The President appointed Sens. Foster, Gottesman and Clegg.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. Lasky, Baxley, Shurtleff and Mooney.

**SB 176-FN**, relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standards.

The President appointed Sens. Estabrook, DeVries and Roberge.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. Rosenwald, Bridgham, Carolyn Brown and Emerton.

**SB 187**, relative to motor vehicles operated in parades.

The President appointed Sens. Letourneau, DeVries and Burling.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. Ryan, Robert Williams, Nedeau and Cunningham.

**SB 188**, relative to unfair claim settlement practices by insurers.

The President appointed Sens. Gottesman, Reynolds and Bragdon.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. Houde, Butler, Martin and Reardon.

**SB 204-FN-A**, relative to collection of debts owed the state.

The President appointed Sens. Kelly, Downing and Burling.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. Harding, Hawkins, Beck and Eric Anderson.

**SB 215-FN-A**, relative to funding for the human immunodeficiency virus prevention program and certain AIDS services organizations.

The President appointed Sens. Fuller Clark, Hassan and Gallus.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. Donovan, Joy Tilton, MacKay and Mitchell.

**SB 233-FN**, relative to specialty beer, relative to sales by beverage vendor licensees, and establishing a committee to study flavored malt beverages.

The President appointed Sens. Burling, Fuller Clark and Downing.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. Reardon, Hunt, Butler and DeStefano.

**SB 235-FN-A**, establishing a milk producers emergency relief fund.

The President appointed Sens. Fuller Clark, Kelly and Kenney.

Rep. Lasky moved that the House accede.

Adopted.

The Speaker appointed Reps. Phinizy, O'Connell, Sad and Hamm.

RECESS

**(Rep. Daniel Eaton in the Chair)****ENROLLED BILLS REPORT**

The committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 43, 119, 184, 236, 272, 316, 345, 393, 397, 457, 649, 685, 694, 718, 768, 827, 898 and 917 and Senate Bills numbered 18, 60, 97, 101, 111, 133, 154, 219, 229 and 231.

Rep. Hager, Sen. D'Allesandro for the committee

**ENROLLED BILL AMENDMENT**

**SB 237**, establishing a commission on employment issues affecting veterans. (Amendment printed SJ 6-14-07)

Adopted.

**RECESS****(Speaker Norelli in the Chair)****CONFEREE CHANGES**

**HB 767**, relative to insurance for volunteer drivers.

Rep. DeStefano replaced Rep. Buco.

**HB 25-FN-A**, making appropriations for capital improvements.

Rep. Gould replaced Rep. Benn.

**HB 83**, relative to the deliberations of the board of tax and land appeals under the right-to-know law.

Rep. Lasky replaced Rep. Wall.

**SB 215**, making an appropriation for AIDS services.

Rep. Case replaced Rep. MacKay.

Rep. Joy Tilton replaced Rep. Daler.

**HB 306**, establishing a task force on work and family.

Rep. Lasky replaced Rep. Converse.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

Rep. Lund replaced Rep. Major as an alternate.

**HB 659-FN**, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements.

Rep. Robert Williams replaced Rep. Estes.

**SB 187**, relative to motor vehicles operated in parades.

Rep. Robert Williams replaced Rep. Cunningham.

**SB 187**, relative to motor vehicles operated in parades.

Rep. Cunningham replaced Rep. C. Pennington Brown.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

Rep. Griffin replaced Rep. Lund as an alternate.

**SB 215**, making an appropriation for AIDS services.

Rep. McLeod replaced Rep. Case.

**SB 215**, making an appropriation for AIDS services.

Rep. MacKay replaced Rep. McLeod.

**HB 261**, prohibiting the Carroll county attorney from engaging in the private practice of law.

Rep. Osborne replaced Rep. Larry Brown.

**HB 377-FN-L**, relative to the right-to-know law.

Rep. Lasky replaced Rep. Wall.

**SB 52**, relative to authorizing the attorney general to bring actions for violations of New Hampshire combination and monopolies law.

Rep. Reardon replaced Rep. Houde.

**HB 429**, relative to nominations by multiple parties.

Rep. David Cote replaced Rep. Drisko.

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009.

Rep. Wallner replaced Rep. Kurk.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

Rep. McLeod replaced Rep. Weyler.

**RECESS**

**(Rep. Lee Hammond in the Chair)**  
**ENROLLED BILL AMENDMENTS**

**HB 54**, establishing a commission to study automobile recycling issues.

**Amendment (2146-EBA)**

Amend subparagraph I(f) of section 2 of the bill by replacing line 1 with the following:

(f) One representative from the Auto & Truck Recyclers Association of New Hampshire,  
 Amend section 3 of the bill by replacing line 2 with the following:  
 industry infrastructure currently used to recycle and dispose of end-of-life motor vehicles and  
 Amend section 4 of the bill by replacing line 3 with the following:  
 The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.  
 Adopted.

**HB 590-FN**, changing the state migratory waterfowl stamp into a license issued by the fish and game department.

**Amendment (2129-EBA)**

Amend the bill by replacing all after section 3 with the following:

4 State Migratory Waterfowl License. RSA 214:1-d is repealed and reenacted to read as follows:  
 214:1-d State Migratory Waterfowl License Required.

I. No person shall at any time hunt, shoot, pursue, kill, or take migratory waterfowl without first procuring, in addition to the applicable hunting license required by RSA 214 and the federal duck stamp required by RSA 209:6, a license to do so under RSA 214:9, XII, for the same period. A person under the age of 16 years may hunt, shoot, pursue, kill, or take migratory waterfowl without such a license, provided that, while so doing, he or she is accompanied by an adult who has procured such a license. For the purpose of this section "migratory waterfowl" shall mean ducks, mergansers, coots, geese, and brant.

II. Any person who violates any provision of this section or RSA 214:9, XII shall be guilty of a violation and shall be guilty of a separate offense for each migratory waterfowl bird taken.  
 Adopted.

**HB 689**, establishing a commission to study production and distribution of biodiesel fuel in New Hampshire.

**Amendment (2141-EBA)**

Amend section 2 of the bill by replacing subparagraph I(d) with the following:

(d) The director of the office of energy and planning, or designee.

Adopted.

**HB 722**, relative to the rivers management protection program.

**Amendment (2142-EBA)**

Amend the bill by replacing section 3 with the following:

3 New Subparagraph; Rivers Management Advisory Committee. Amend RSA 483:8, I by inserting after subparagraph (j) the following new subparagraph:

(k) A representative of local river management advisory committees from a list of 3 nominees submitted by the commissioner.

Amend RSA 483:10, III as inserted by section 6 of the bill by replacing line 1 with the following:

III. River corridor management plans developed according to this section may include

Adopted.

**HB 790-FN**, relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives.

**Amendment (2136-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to dependent coverage for health insurance.

Amend RSA 420-C:4-a, I(d) as inserted by section 4 of the bill by replacing line 1 with the following:

(d) Is not provided coverage as a named subscriber, insured, enrollee, or covered person

Amend RSA 420-F:5-a, I(d) as inserted by section 5 of the bill by replacing line 1 with the following:

(d) Is not provided coverage as a named subscriber, insured, enrollee, or covered person

Amend RSA 420-F:5-a, VI(a) as inserted by section 5 of the bill by replacing line 2 with the following:  
 be provided to a subscriber:

Adopted.



**HB 826-FN**, relative to coverage of services and items under the medical assistance program.

**Amendment (2140-EBA)**

Amend RSA 167:3-h, I as inserted by section 1 of the bill by replacing lines 2-3 with the following: disabilities with coverage of medically necessary services and items under the medical assistance program so that they may live in their homes and communities as independently as possible and with Adopted.

**HB 921-FN**, making technical changes in the insurance laws.

**Amendment (2139-EBA)**

Amend the bill by inserting after section 39 the following and renumbering the original sections 40 and 41 to read as 41 and 42, respectively:

40 Contingent Renumbering. If HB 790-FN of the 2007 legislative session becomes law, then RSA 420-C:4-a and RSA 420-C:4-b, as inserted by section 18 of this act, shall be renumbered as RSA 420-C:4-b and RSA 420-C:4-c, respectively.

Adopted.

**RECESS**

**(Rep. Lasky in the Chair)**

**ENROLLED BILLS REPORT**

The committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 44, 46, 148, 256, 286, 305, 406, 491, 499, 536, 583, 672, 699, 710, 782, 862 and 914 and Senate Bills numbered 47, 55, 59, 68, 76 and 153.

Rep. Hager, Sen. D'Allesandro for the committee

**RECESS**

**(Rep. Whalley in the Chair)**

**ENROLLED BILL AMENDMENT**

**HB 895-FN**, relative to licensure of court reporters.

**Amendment (2148-EBA)**

Amend section 1 of the bill by inserting after line 2 the following subdivision heading immediately preceding RSA 310-A:161:

**Court Reporters**

Amend RSA 310-A:165 as inserted by section 1 of the bill by replacing line 1 with the following:

310-A:165 Designation as Licensed Court Reporter. Any person holding a valid license as a

Amend RSA 310-A:173 as inserted by section 1 of the bill by replacing line 1 with the following:

310-A:173 Term of License; Renewal. The term of licensure under this subdivision shall be every Amend RSA 310-A:177 as inserted by section 1 of the bill by replacing line 11 with the following: remedies given by this subdivision shall not be exclusive of any other remedy which would otherwise Adopted.

**RECESS**

**(Rep. Francis Sullivan in the Chair)**

**ENROLLED BILLS REPORT**

The committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 54, 94, 143, 194, 206, 319, 416, 511, 689, 707, 722, 731, 790, 797, 812, 826 and 921 and Senate Bill number 260.

Rep. Hager, Sen. D'Allesandro for the committee

**RECESS**

**(Rep. Shurtleff in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 140**, establishing the New Hampshire commission on deafness and hearing loss.

**Amendment (2183-EBA)**

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Contingency. If HB 688 of the 2007 legislative session becomes law, RSA 125-P as inserted by section 1 of this act shall be renumbered as RSA 125-Q.

Adopted.

**HB 205**, relative to procedures for certain court ordered out-of-district placement.

**Amendment (2186-EBA)**

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Contingent. Renumbering. If SB 152 of the 2007 session becomes law, then RSA 169-B:19, VIII as inserted by section 2 of this act, shall be renumbered as RSA 169-B:19, IX.

Adopted.

RECESS

**(Rep. Abbott in the Chair)**

**ENROLLED BILL AMENDMENT**

**HB 383**, relative to waterfront buffer and woodland buffer requirements in the comprehensive shoreland protection act.

**Amendment (2222-EBA)**

Amend section 13 of the bill by replacing line 2 with the following:

act shall take effect April 1, 2008 at 12:01 a.m. If HB 663-FN-A does not become law, section 12 of this act shall

Adopted.

**HB 611**, relative to payment of wages by automated pay card.

**Amendment (2230-EBA)**

Amend RSA 275:43, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) By electronic fund transfer [~~at no cost to the employee;~~];

Amend RSA 275:43, I as inserted by section 2 of the bill by replacing lines 17-19 with the following: the full amount of the wages due;

provided, however, that if an employer elects to pay employees as specified in subparagraphs (b) [~~or~~], (c), *or (d)*, the employer shall offer employees the option of being paid as specified in subparagraph [~~(d)~~] (*e*), and further provided that all wages in the nature of

Amend RSA 275:43, VII(e) as inserted by section 2 of the bill by replacing line 2 with the following: compensatory time off including the Fair Labor Standards Act of 1938, 29 [~~USE~~] *U.S.C.* section 207. The

Adopted.

**HB 517**, establishing a commission to investigate cost drivers in providing health care and establishing the New Hampshire Rx advantage program and continually appropriating a special fund and making an appropriation therefor.

**Amendment (2313-EBA)**

Amend RSA 161-L:4, II as inserted by section 7 of the bill by replacing line 5 with the following: the federal Social Security Act, Title XIX.

Amend RSA 318:5-a, XVIII as inserted by section 9 of the bill by replacing line 1 with the following:

XVIII. Disclosure and confidentiality relative to the New Hampshire Rx advantage

Amend section 10 of the bill by replacing line 1 with the following:

10 New Subparagraph; New Hampshire Rx Advantage Program Fund. Amend RSA 6:12, I(b) by Adopted.

RECESS

**(Speaker Norelli in the Chair)**

Rep. Wallner moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 21

Wednesday, June 27, 2007

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

From Earth Prayers by Mary Rogers, adapted from the Gaelic.

Deep peace of the running wave to you,  
of water flowing, rising and falling,  
sometimes advancing, sometimes receding...  
May the stream of your life flow unimpeded!  
Deep peace of the running wave to you!

Deep peace of the flowing air to you,  
which fans your face on a sultry day,  
the air which you breathe deeply, rhythmically,  
which imparts to you energy, consciousness, life.  
Deep peace of the flowing air to you!

Deep peace of the shining stars to you,  
which stay invisible till darkness falls  
and discloses their pure and shining presence  
beaming down in compassion on our turning world.  
Deep peace of the shining stars to you!

Deep peace of the Son of Peace to you,  
who, swift as the wave and pervasive as the air,  
quiet as the earth and shining like a star,  
breathes into us His Peace and His Spirit.  
Deep peace of the Son of Peace to you!  
Amen.

Rep. Claire Clarke, member from Boscawen, led the Pledge of Allegiance.

The National Anthem was sung by Sydney Skinner, a sophomore at Keene High School.

### LEAVES OF ABSENCE

Rep. Pilliod, the day, illness.

Reps. Gene Andersen, Benn, Jennifer Brown, Stephanie Eaton, Grassie, Heald, John Kelley, Lessard, Martineau, Mesa, O'Brien, Pelkey, Pilotte and Serlin, the day, important business.

### INTRODUCTION OF GUESTS

Lori Plifka, wife of Rep. Plifka. Jim Wheeler, guest of Rep. Mack. Wayne and Kate Skinner, Dick and Coke Kelly and Anthony Dostilio, parents, grandparents and friend of the singer, guests of the House. Amy and Jake Kelley, daughter and grandson of Rep. Bridgham. Members of the Legislative Youth Advisory Council, Mikayla Foster and Anthony Conti, guests of Rep. Gargas. Amy Friedrich, daughter of Rep. Friedrich. Students from East Haverhill Academy, guests of the Haverhill delegation. Honorable Peter Zis, former member from Nashua, guest of Rep. David Cote.

### INTRODUCTION OF SPECIAL GUESTS

The Red Star Twirlers of Derry were selected by The World War II Memorial Dedication Committee and the National Park Service to represent New Hampshire in the 2007 National Independence Day Parade in Washington D.C. They will have the honor of placing a wreath at the Tomb of the Unknown Soldier as well as the graves of New Hampshire's Iraq War Soldiers. They will also be present on the Capitol lawn for the National Concert and fireworks on July 4<sup>th</sup> and will perform at the Tidal Basin in front of the Jefferson Memorial on July 5<sup>th</sup>. They were accompanied by their coach, Gina Hutchinson.

Representing New Hampshire at the Global Special Olympics in Shanghai, China in October 2007; Tracy Bleyler of Lebanon, daughter of Rep. Bleyler, will compete in the bowling competition. She was accompanied by her father, Pete Bleyler. Thomas Liseno of Somersworth will compete in the track and field competition. He was accompanied by his parents, Thomas and Renee Liseno and siblings Adria and Vince Liseno. Jeremy Colter of Lebanon will coach the U.S. basketball team. He was accompanied by his mentor Don Marcotte and his parents, Sandy and Blake Colter. Mike Murray, a school resource officer at Merrimack High School, will be representing the United States in the final leg of the torch run into Shanghai. They were all accompanied by Dan Curran, Program Director from Special Olympics New Hampshire, Mike Quinn, President of Special Olympics New Hampshire and Mark Capano, part of Team USA for the World Games in Shanghai.

Doris "Granny D" Haddock, guest of the House.

Dr. Nahed K. Attia, Dr. Hamman El Abd, Dr. Guzine El Diwani, Dr. Salwa Ismail Hawash, Dr. Shadia Ragheb Tawfik and Dr. Ferial Zaher, members of the UNH-Egypt Biodiesel Delegation. They were accompanied by Dr. Farag and Tim Drew, guests of the House.

### **SPECIAL PERFORMANCES**

Rick Shaw of the Shaw Brothers sang "New Hampshire, Naturally."

Actress and singer, Carol Channing, accompanied by Reps. Wendelboe and Emerson, sang a special version of "Hello Dolly" as "Hello Governor."

### **HOUSE RESOLUTION NO. 13**

#### **Memorializing State Representative Donald R. Buxton of Brentwood**

WHEREAS, we have learned with great sorrow of the death of our friend and colleague Donald Roy Buxton, who was in his second term of service to the citizens of Rockingham County District #10 as a member of the House of Representatives; and

WHEREAS, Don Buxton served with diligence and distinction as a member of the Judiciary Committee, earning the respect of his colleagues for his sense of duty, and for his depth of knowledge and understanding in considering the many issues that were presented to the committee – knowledge and understanding gained during his many years in law enforcement; and

WHEREAS, Don Buxton's years of service in the National Guard and the United States Army, his twenty-three years in the New Hampshire State Police followed by seventeen years with the United States Secret Service, including time as a personal assistant to President George Herbert Walker Bush, are indicative of an individual committed to the true meaning of public service; and

WHEREAS, Don Buxton was also a man whose interests included travel and history, who was a member of the Brentwood Historical Society and a friend of the environment, holding memberships in the Society for the Protection of New Hampshire Forests, the Wilderness Society and Save the Redwoods; and

WHEREAS, since 1964, Don Buxton was an active member of the Masonic fraternity, serving with the Major General John Sullivan Lodge in Epping and then becoming a Charter Member and officer of General Court Lodge in Concord; and

WHEREAS, Don Buxton was a good man, kind and friendly with a cheerful twinkle in his eye, now, therefore, be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that Donald Roy Buxton be granted the highest praise and accolades for his dedicated service to his community, his state and his country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to them.

Offered by the House of Representatives

Adopted unanimously by a rising vote.

Rep. Mooney addressed the House.

### **MOTION TO PRINT REMARKS**

Rep. David Cote moved that the remarks made by Rep. Mooney be printed in the Permanent Journal. Adopted.

### MEMORIAL REMARKS

**Rep. Mooney:** Thank you, Madam Speaker. It is with great sorrow and disbelief that we mourn the loss of Representative Donald Roy Buxton. Don was an exemplary legislator who took his duties seriously. He loved serving his constituents and participating in state government. He told me that he made it a daily routine, while in Concord, to walk straight up the middle front steps and through the front door of the State House. This was his reminder just how important a job it is to be a state representative. He was a reliable and loyal friend, gentleman and colleague on the House Judiciary Committee on which he was serving his second term. Don stood out in so many ways - his detailed stories, joyful demeanor, generosity, respect for tradition, ceremony, order and public office were beyond comparison. Don was a husband, father, U.S. Army veteran, former New Hampshire state trooper and member of the United State Secret Service - all of which he excelled at, and in which he took justifiable pride. He would tell stories of his past that left his listener spellbound. His life spanned from being raised in a family of 12 children on a farm with no modern plumbing, to Secret Service detail trips where he interacted with President George H.W. Bush, President Bill Clinton and Lady Margaret Thatcher, just to name a few. He seemed to know everyone and struck up a conversation with everyone he met. What was most unique about Don is that he took a genuine interest and concern in the people he knew. He wanted to know a person's history - where they were from, where they went to school and what their interests were. He appreciated everyone and set an example to stop once in a while and truly get to know those around us. Representative Don Buxton will be dearly missed by all who knew him. His love for our state, our country and the people around him will never be forgotten. In a phrase - he was the best. Rest in peace, Don. It was a privilege of the highest caliber to have known you. Thank you, Madame Speaker and Members of this House.

### COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

#### COMMITTEE OF CONFERENCE REPORT ON SB 35-FN-A

Committee of Conference Report on **SB 35-FN-A**, an act making an appropriation for disaster relief assistance in response to the May 2006 floods and establishing a committee to study the distribution of financial disaster assistance.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Hassan, Dist. 23; Janeway, Dist. 7; and Burling, Dist. 5.

Conferees: Reps. King, Coos 1; David Smith, Hills. 22; Stepanek, Hills. 6; and Foster, Hills. 4.

Rep. King moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 52

Committee of Conference Report on **SB 52**, an act relative to authorizing the attorney general to bring actions for violations of New Hampshire combination and monopolies law.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the Senate.

Conferees: Sens. Gottesman, Dist. 12; Reynolds, Dist. 2; and Clegg, Dist. 14.

Conferees: Reps. DeStefano, Merr. 3; Butler, Carr. 1; Reardon, Merr. 11; and Marshall Quandt, Rock. 13.

Rep. DeStefano moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 67

Committee of Conference Report on **SB 67**, an act relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.  
 Conferees: Sens. D'Allesandro, Dist. 20; Hassan, Dist. 23; and Gatsas, Dist. 16.  
 Conferees: Reps. Rausch, Rock. 5; Long, Hills. 10; Cloutier, Sull. 4; and Emerton, Hills. 7.  
 Rep. Rausch moved that the House adopt the Committee of Conference Report.  
 Committee of Conference Report adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 91

Committee of Conference Report on **SB 91**, an act relative to political contributions by corporations, partnerships, and labor unions.

#### Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Paragraph; Prohibited Political Contributions; Definition Added. Amend RSA 664:4 by inserting after paragraph V the following new paragraph:

VI. For purposes of this section, "person" shall mean any natural person, any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust, or other form of organization, organized for gain or profit, or labor union.

### AMENDED ANALYSIS

This bill repeals the prohibitions on political contributions by corporations, partnerships, and labor unions. This bill exempts nonprofit organizations from the remaining political contribution prohibitions.

Conferees: Sens. Foster, Dist. 13; Burling, Dist. 5; and Letourneau, Dist. 19.

Conferees: Reps. Clemons, Hills. 24; Weed, Ches. 3; Claudia Chase, Hills. 2; and Jasper, Hills. 27.

Rep. Weed moved that the House adopt the Committee of Conference Report.

Rep. Splaine spoke against.

Rep. Chandler requested a roll call; sufficiently seconded.

**YEAS 4 NAYS 349**

**YEAS 4  
BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

None

**HILLSBOROUGH**

Johnson, Stephen

**MERRIMACK**

None

**ROCKINGHAM**

Kennedy, James

McKinney, Betsy

**STRAFFORD**

Hofemann, Roland

**SULLIVAN**

None

**NAYS 349****BELKNAP**

Allen, Janet  
Flanders, Donald  
Reever, Judith  
Tobin, William

Arsenault, Beth  
Millham, Alida  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Morrison, Gail  
Thomas, John  
Whalley, Michael

Clark, Charles  
Nedeau, Stephen  
Tilton, Franklin

**CARROLL**

Ahlgren, Christopher  
Butler, Edward  
Heard, Virginia  
Patten, Betsey

Bridgham, Robert  
Chandler, Gene  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Cunningham, Howard  
Martin, James

Buco, Thomas  
Denley, William  
Morrow, Harry

**CHESHIRE**

Allen, Peter  
Butynski, William  
Emerson, Susan  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

Burridge, Delmar  
Chase, William  
Espiefs, Peter  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

Butcher, Suzanne  
Dunn, J. Timothy  
Hunt, John  
Parkhurst, Henry  
Robertson, Timothy

Butterworth, Timothy  
Eaton, Daniel  
Johnson, Jane  
Piifka, Stanley Jr  
Sad, Tara

**COOS**

Hatch, William  
Merrick, Evalyn  
Tholl, John Jr

Ingersoll, Paul Sr  
Merrick, Scott  
Thomas, Yvonne

King, Frederick  
Remick, William

Mears, Edgar  
Stohl, Eric

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Gionet, Edmond  
Laliberte, Suzanne  
Mulholland, Catherine  
Sorg, Gregory

Almy, Susan  
Dingman, Vernon III  
Hammond, Lee  
Lovett, Sid  
Nordgren, Sharon  
Williams, Burton

Bleyler, Ruth  
Estes, Carole  
Harding, A Laurie  
Matheson, Robert  
Preston, Philip

Bulis, Lyle  
Friedrich, Carol  
Ingbretson, Paul  
McLeod, Martha  
Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
Beck, Catriona  
Campbell, David  
Clark, Mark  
Daniels, Gary  
Edwards, Andrew  
Fontas, Jeffrey  
Gargas, Carolyn  
Gorman, Mary  
Haefner, Robert  
Harvey, Suzanne  
Hogan, Edith  
Jasper, Shawn  
Knowles, John  
L'Heureux, Robert

Barry, Richard  
Bergeron, Jean-Guy  
Chase, Claudia  
Cote, David  
Day, Russell  
Elliott, Nancy  
Forest, Armand  
Garrity, Patrick  
Goyette, Peter  
Hall, Betty  
Hawkins, Ken  
Holden, Randolph  
Jean, Claudette  
Knowles, Mary Ann  
Lasky, Bette

Batula, Peter  
Bergin, Peter  
Christensen, Chris  
Cote, Peter  
Dokmo, Cynthia  
Emerton, Larry  
Foster, Linda  
Ginsburg, Ruth  
Graham, John  
Hammond, Jill  
Hebert, Roger  
Infantine, William  
Judy, Jean  
Kopka, Angeline  
Lawrence, James

Beaulieu, Jane  
Brunelle, Michael  
Christiansen, Lars  
Coughlin, Pamela  
Drisko, Richard  
Essex, David  
Francoeur, Bea  
Goley, Jeffrey  
Hackel, Paul  
Hansen, Ryan  
Hinkle, Peyton  
Irwin, Anne-Marie  
Kaelin, Michael  
Kurk, Neal  
Leishman, Peter

Levasseur, Nickolas  
 Manney, Pamela  
 Messier, Irene  
 O'Neil, James  
 Price, Pamela  
 Rochette, Eric  
 Schulze, Joan  
 Smith, David  
 Spratt, Stephen  
 Sysyn, Mary  
 Villeneuve, Maurice

Lisle, Carolyn  
 Marshall, Seth  
 Mooney, Maureen  
 Ober, Lynne  
 Reeves, Sandra  
 Rosenwald, Cindy  
 Shattuck, Gilman  
 Smith, Sandra  
 Stepanek, Stephen  
 Tahir, Saghir  
 Winters, Joel

Long, Patrick  
 Matarazzo, Anthony Sr  
 Movsesian, Lori  
 Ober, Russell III  
 Renzullo, Andrew  
 Rowe, Robert  
 Shaw, Barbara  
 Soucy, Connie  
 Sullivan, Daniel  
 Ulery, Jordan

Mack, Ron  
 McRae, Karen  
 O'Connell, Timothy  
 Peterson, Andy  
 Reuschel, Michael  
 Scannell, David  
 Simon, Anthony  
 Spaulding, Jayne  
 Sullivan, Francis  
 Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
 Bouchard, Candace  
 Davis, Frank  
 Foose, Robert  
 Hager, Elizabeth  
 Kelly, Sally  
 MacKay, James  
 Porter, Margaret  
 Richardson, Gary  
 Tupper, Frank  
 Wheeler, Deborah

Baxley, Maureen  
 Brown, Carole  
 DeJoie, John  
 French, Barbara  
 Hamm, Christine  
 Kidder, David  
 McMahon, Patricia  
 Potter, Frances  
 Ryan, Jim  
 Wallner, Mary  
 Williams, Robert

Beauchesne, Suzanne  
 Brueggemann, Donald  
 DeStefano, Stephen  
 Gile, Mary  
 Hess, David  
 Kjellman, Eleanor Glynn  
 Osborne, Jessie  
 Reardon, Tara  
 Shurtleff, Stephen  
 Walz, Mary  
 Yeaton, Charles

Blanchard, Elizabeth  
 Clarke, Claire  
 Ehlers, Eileen  
 Greco, Vincent  
 Humphries, Charlie  
 Lockwood, Priscilla  
 Owen, Derek  
 Reed, Dennis  
 Tilton, Joy  
 Webb, Leigh

### ROCKINGHAM

Abbott, Dennis  
 Belanger, Ronald  
 Brown, C. Pennington  
 Case, Frank  
 Day, Judith  
 Elliott, Robert  
 Flockhart, Eileen  
 Griffin, Mary  
 Henson, John  
 Ingram, Russell  
 Kappler, Lawrence  
 Lister, Charlotte  
 McCarthy, Linda  
 Moody, Marcia  
 Nowe, Ronald  
 Powers, James  
 Rausch, James  
 Sanders, Elisabeth  
 Waterhouse, Kevin  
 Weyler, Kenneth

Allen, Mary  
 Bettencourt, David  
 Cali-Pitts, Jacqueline  
 Casey, Kimberley  
 Devine, James  
 Emiro, Frank  
 Garcia, Marilinda  
 Grote, Otto  
 Hopfgarten, Paul  
 Introne, Robert  
 Katsakiores, Phyllis  
 Lund, Howie  
 McEachern, Paul  
 Moore, Benjamin  
 Packard, Sherman  
 Priestley, Anne  
 Reagan, John  
 Snow, Richard  
 Weare, Everett  
 Wickson, Rick

Baldasaro, Alfred  
 Bishop, Franklin  
 Camm, Kevin  
 Charron, Gene  
 DiFruscia, Anthony  
 Fesh, Bob  
 Garrity, James  
 Guthrie, Joseph  
 Howard, Doreen  
 Itse, Daniel  
 Kelley, Jane  
 Major, Norman  
 McKenna, Daniel  
 Moore, Bennett  
 Pantelakos, Laura  
 Quandt, Marshall  
 Robertson, Carl  
 Splaine, James  
 Welch, David  
 Winchell, George

Bedrick, Jason  
 Borden, David  
 Carson, Sharon  
 Dalrymple, David  
 Dumaine, Dudley  
 Flanders, John Sr  
 Gould, Kenneth  
 Headd, James  
 Hutchinson, Karen  
 Johnson, Robert  
 Kepner, Susan  
 Marsh, Michael  
 McMahon, Charles  
 Nord, Susi  
 Pearson, Mark  
 Quandt, Matthew  
 Russell, Trinka  
 Stiles, Nancy  
 Wells, Roger

### STRAFFORD

Berube, Roger  
 Brown, Larry  
 DeChane, Marlene  
 Hubbard, Pamela  
 Miller, Joseph  
 Rous, Emma  
 Sprague, Dale  
 Watson, Robert

Billian, Deborah  
 Browne, Brendon  
 Domingo, Baldwin  
 Kaen, Naida  
 Perry, Robert  
 Schmidt, Peter  
 Srmec, Robert

Brennan, William  
 Burke, Rachel  
 Fargo, Thomas  
 Knowles, William  
 Rollo, Deanna  
 Smith, Marjorie  
 Vachon, Dennis

Brown, Julie  
 Cyr, James  
 Goodwin, Earle  
 Mickelonis, Shawn  
 Rollo, Michael  
 Spang, Judith  
 Wall, Janet



**SULLIVAN**

Cloutier, John  
Franklin, Peter  
Jillette, Arthur Jr  
Skinder, Carla

Converse, Larry  
Gagnon, Raymond  
Nielsen, Ellen

Donovan, Thomas  
Gottling, Suzanne  
Phinizz, James

Ferland, Brenda  
Houde, Matthew  
Rodeschin, Beverly

and the Committee of Conference Report failed.

**COMMITTEE OF CONFERENCE REPORT ON SB 106**

Committee of Conference Report on **SB 106**, an act allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch.

**Recommendation:**

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Lobbyist Registration; Registration Required. RSA 15:1, I is repealed and reenacted to read as follows:

I.(a) The following persons shall register as lobbyists with the secretary of state:

(1) Any person who works as an independent contractor or who provides services for a fee for another to represent the other for the purposes specified in paragraph II including, but not limited to, an attorney, or a legislative or government relations representative;

(2) Any person who is an employee of any other person or employer, and who works in a representative capacity exclusively for the purposes specified in paragraph II; and

(3) Any person who is an employee of any other person or employer, who is employed for purposes in addition to or other than the purposes specified in paragraph II, and who spends more than 75 hours in a calendar year working in a representative capacity for the purposes specified in paragraph II.

(b) Each person described in subparagraphs (a)(1) and (2) shall register no later than 10 business days after engaging in the activities specified in paragraph II. Each person described in subparagraph (a)(3) shall register no later than 10 business days following completion of 75 hours of such work. Each registration shall report the existence of a relationship between a single client and either a single lobbyist or a partnership, firm, or corporation with one or more partners, members, or employees of a firm acting as a lobbyist.

2 Expiration Date. Amend RSA 15:1, IV to read as follows:

IV. All registrations required under this section shall expire on December [±] 31.

3 New Paragraph; Exclusions From Requirements. Amend RSA 15:1 by inserting after paragraph IV the following new paragraph:

V. The following communications are excluded from the regulation imposed by this chapter and shall not be considered in a determination of whether a person is required to register and report as a lobbyist:

(a) Public testimony before a legislative committee or sub-committee;

(b) Public testimony before any entity subject to RSA 91-A, the right-to-know law;

(c) A written document filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(d) Communication made by a public official acting in the public official's official capacity;

(e) Communication made by a representative of a media organization if the purpose of the communication is gathering or disseminating news and information to the public;

(f) Communication made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television, the internet, or other medium of mass communication;

(g) Communication made in writing which becomes a public record subject to the provisions of RSA 91-A, the right-to-know law, provided in response to a written request by a legislative or executive branch official; and

(h) Attendance or participation in executive and legislative branch task forces, work groups, stakeholder groups, and other similar meetings which are not subject to RSA 91-A, provided that,

prior to or concurrent with the convening of any such group or meeting, the convening authority files with the secretary of state a statement listing the subject matter, participants, and anticipated duration of the group or meeting. The secretary of state shall make available a form to effectuate the purpose of this filing requirement.

4 Lobbyist Statements. Amend RSA 15:6 to read as follows:

15:6 Statements.

I. Each lobbyist shall file with the secretary of state itemized statements under oath of:

(a) All fees received from any lobbying client that are related, directly or indirectly, to lobbying, such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work.

(b) All expenditures made from lobbying fees, including by whom paid or to whom charged.

(c) Any ~~[honorarium or]~~ expense reimbursement, as defined in RSA 15-B, or political contribution, as defined in RSA 664, made by the lobbyist in his or her professional ~~[or personal]~~ capacity, on behalf of the lobbyist, the partnership, firm, or corporation or by the lobbyist on behalf of the client or employer ~~[or by a family member of the lobbyist]~~. The statements shall be open to public inspection. ~~[For the purposes of this chapter, "family member" shall mean any person related to and living in the same domicile as the lobbyist, who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.]~~

II. Lobbyists shall file statements no later than the second Friday of each ~~[month]~~ **January, April, July, and October** covering all fees received and expenditures ~~[- contributions, honorariums,]~~ or expense reimbursements made ~~[during the previous month,]~~ **since the last required filing**, from fees received at any time from a lobbying client or employer or from funds otherwise provided by the lobbyist, partnership, firm, or corporation, or from the client or employer. ***The first statement filed by persons who register as lobbyists pursuant to RSA 15:1, I(a)(3) shall cover all fees received and expenditures or expense reimbursements made from such fees received and funds provided during the 75 hours worked prior to registration.***

III. In this chapter "value" means the amount at which property or services would change hands between a willing buyer and a willing seller when neither is under any compulsion to buy or sell and both have reasonable knowledge of the relevant facts.

~~[IV. A lobbyist, in his or her professional or personal capacity, or a family member of a lobbyist making a contribution, honorarium, or expense reimbursement, in a form other than cash, check or negotiable instrument, to a person with a duty to report that contribution, honorarium, or expense reimbursement pursuant to RSA 15-B or RSA 664 shall provide the recipient with a written statement of the value of the contribution, honorarium, or expense reimbursement if the value is different than any price or value printed on the contribution, honorarium, or expense reimbursement or if the contribution, honorarium, or expense reimbursement does not have a price affixed to it.]~~

~~[V.]~~ IV. The lobbyist statement shall be in the form prescribed by the secretary of state, may be in paper or electronic form, and shall include at a minimum:

(a) The full name of each lobbyist covered by the report.

(b) The name of the lobbyist partnership, firm, or corporation, if any.

(c) The business address and telephone number for the lobbyist, partnership, firm, or corporation.

(d) For each lobbying client, the full name and business address of the client, the scope of the representation or lobbyist services being paid for, the gross amount of all fees received from that client, not reduced by any expenses, that are related, directly or indirectly, to lobbying, such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work, a statement of the aggregate total of fees received that are related, directly or indirectly, to lobbying services during the calendar year, and a statement of any fee payment due, but not yet paid.

(e) For each ~~[honorarium or]~~ expense reimbursement made, that is reportable pursuant to RSA 15-B:

(1) The name of the client on whose behalf the expense reimbursement ~~[or honorarium]~~ was made, if any.

(2) The name of the person receiving the ~~[honorarium or]~~ expense reimbursement.

(3) A brief description of the event to which the ~~[honorarium or]~~ expense reimbursement relates.

(4) The value of the ~~[honorarium or]~~ expense reimbursement.

(f) ~~[For each political contribution made that is reportable pursuant to RSA 664:~~

~~(1) The name of the candidate;~~

~~(2) The office the candidate is seeking;~~

~~(3) The value of the contribution;~~

~~(4) If the contribution is an in-kind contribution, a brief description of the contribution;~~

(g) For all expenditures for salaries, benefits, support staff, and office expenses, related directly or indirectly to lobbying, a statement of the total aggregate expenses for salaries, support staff, and office expenses related directly or indirectly to lobbying shall satisfy the requirement that an itemized statement of these expenses be filed.

~~[(h)]~~ (g) The following statement followed by a line for each person filing the form to sign and date the form: "I have read RSA 15[-RSA 15-B, and RSA 664] and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief." ~~[This statement shall be made under oath before a notary public or justice of the peace.]~~

~~[V:]~~ V. The secretary of state shall maintain the statements required by this section for 6 years from the date of filing, after which time the statements may be destroyed. The public information on the forms shall be available to the public in the form of a photocopy or an electronic record. The secretary of state shall, as soon as is practical, implement an electronic record keeping system that makes lobbyist registration forms and fee and expense reports available to the public through the internet.

5 Gifts; Exclusion From Definition. Amend RSA 15-B:2, V(c)(5) and (6) to read as follows:

(5) Objects *or services* which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.

(6) Money in any form, an object, or an intangible thing *or service* of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or intangible thing *or service* of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.

6 New Subparagraph; Definition of Gift; Exclusion Added. Amend RSA 15-B:2, V(c) by inserting after subparagraph (12) the following new subparagraph:

(13) Information or advice concerning any state law or rule, any legislation pending or proposed before the general court, or any pending or proposed administrative rule.

7 Executive Branch; Code of Ethics; Appointee and Volunteer Service. RSA 21-G:25 is repealed and reenacted to read as follows:

21-G:25 Ethical Standards for Appointee and Volunteer Public Service. Appointee and volunteer public service within the executive branch is an honorable tradition that should be encouraged and maintained. Appointees and volunteers shall not use such public service, directly or indirectly:

I. For personal financial gain; or

II. To facilitate nonpublic communications with executive branch officials for the purpose of promoting or advancing any matter on behalf of themselves, their employers or business associates, or any other third party.

8 Purpose; Financial Disclosure. The general court finds that many public spirited citizens perform volunteer service for the state each year under circumstances where their service does not create any appreciable opportunity to influence the setting of public policy, the expenditure of state funds, or the selection of vendors for the state. Recognizing that the purpose of financial disclosure is to ensure the public has access to information about the financial interests of those who act on the public's behalf when setting public policy, spending state funds, or choosing vendors to do work for the state, requiring volunteers who do not perform such actions to file statements of financial interests does not advance the purpose of the statute and may chill volunteerism. The general court intends to exempt from financial disclosure requirements those individuals who serve the state solely in a volunteer capacity and whose service does not afford any appreciable opportunity to influence public policy or spending, including but not limited to individuals who assist with search and rescue, teach hunter safety, work on recreational trails, or assist with the annual Easter egg hunt.

9 Financial Disclosure; Filing. Amend RSA 15-A:3 to read as follows:

15-A:3 Persons Required to File.

I. The following persons shall file a statement of financial interests as required by this chapter:

~~[I:]~~ (a) All candidates who file for state or county office.

~~[H:]~~ (b) All persons filing an acceptance of nomination form for state or county office.

~~[H:]~~ (c) Every person appointed by the governor, governor and council, president of the senate, or the speaker of the house of representatives to any board, commission, committee, board of directors, authority, or equivalent state entity whether regulatory, advisory, or administrative in nature.

~~[IV-]~~ (d) All agency heads.

~~[V-]~~ (e) Any public official designated, due to the responsibilities of the position, by the agency head.

~~[VI-]~~ (f) The secretary of state and the treasurer, and any of their subordinates designated, due to the responsibilities of the position, by the secretary of state or treasurer.

~~[VII-]~~ (g) All persons elected to state or county office, and all persons appointed to such elective office to fill a vacancy; and

~~[VIII-]~~ (h) Any person, not employed by or working under contract for the state, who is acting on behalf of the governor or an agency while engaged in state business.

***II.(a) Any person who is otherwise subject to the filing requirements of paragraph 1 (h) shall be exempt from filing a statement of financial interests provided the head of the executive branch entity for whom the individual is volunteering certifies in a public register of volunteers, to be maintained by the secretary of state, that the volunteer's work for the state:***

***(1) Does not directly or indirectly influence the setting of public policy;***

***(2) Does not directly or indirectly influence decisions on how state funds will be expended; and***

***(3) Does not directly or indirectly influence the selection of vendors for the state.***

***(b) The secretary of state shall establish a public register of volunteers for the state that shall include the name and town or city of residence of the volunteer and the executive branch entity for whom the volunteer work is done. The name and residence of exempt volunteers shall not be listed for volunteers who provide service occurring at a single event that does not exceed one day in duration, provided the head of the executive branch entity accepting the volunteer service submits a brief description of the event and an estimate of the number of volunteers to the secretary of state for inclusion in the register.***

***(c) The head of any executive branch entity that accepts volunteer work shall cause a list of volunteers who qualify for this exemption to be certified to the secretary of state. An annual certification shall be submitted not later than the third Friday in January listing all exempt volunteers who are expected to volunteer during that calendar year. A certification shall be submitted no later than the third Friday of each month certifying all new exempt volunteers who started service with that entity during the previous month.***

10 Executive Branch Volunteer List. Each head of an executive branch entity that accepts volunteer work shall cause a list of volunteers providing service to the state on the effective date of this act who qualify for the exemption set forth in RSA 15-A:3, II to be submitted to the secretary of state within 60 days of the effective date of this act.

11 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill changes the registration requirements for lobbyists and the frequency and content of the statements required to be filed. The bill repeals the restriction on simultaneous employment and public service, and exempts certain appointed and volunteer service from the financial disclosure requirements. The bill also establishes an executive branch public register of volunteers.

Conferees: Sens. Burling, Dist. 5; Foster, Dist. 13; and Clegg, Dist. 14.

Conferees: Reps. Michael Rollo, Straf. 2; Lee Hammond, Graf. 11; Hager, Merr. 12; and Clemons, Hills. 24.

Rep. Michael Rollo moved that the House adopt the Committee of Conference Report.

Rep. Splaine spoke against.

Rep. McEachern spoke against and yielded to questions.

Reps. Hager and Michael Rollo spoke in favor.

Rep. Whalley requested a roll call; sufficiently seconded.

### YEAS 119 NAYS 235

**YEAS 119**

**BELKNAP**

Arsenault, Beth

Millham, Alida

Reever, Judith

Wood, Jane

**CARROLL**

None

**CHESHIRE**

Burridge, Delmar  
Dunn, J. Timothy  
Mitchell, Bonnie  
Weber, Lucy

Butcher, Suzanne  
Eaton, Daniel  
Richardson, Barbara

Butterworth, Timothy  
Hunt, John  
Roberts, Kris

Chase, William  
Lerandeau, Alfred  
Sad, Tara

**COOS**

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Thomas, Yvonne

Mears, Edgar

Merrick, Evalyn

**GRAFTON**

Bleyler, Ruth  
Matheson, Robert

Cooney, Mary  
McLeod, Martha

Estes, Carole  
Nordgren, Sharon

Harding, A Laurie

**HILLSBOROUGH**

Baroody, Benjamin  
Cote, David  
Foster, Linda  
Jean, Claudette  
Lasky, Bette  
Movsesian, Lori  
Scannell, David

Beaulieu, Jane  
Dokmo, Cynthia  
Garrity, Patrick  
Judy, Jean  
Leishman, Peter  
O'Connell, Timothy  
Shaw, Barbara

Brunelle, Michael  
Essex, David  
Goley, Jeffrey  
Johnson, Stephen  
Levasseur, Nickolas  
Peterson, Andy  
Sullivan, Francis

Campbell, David  
Forest, Armand  
Hebert, Roger  
Kaelin, Michael  
Messier, Irene  
Reuschel, Michael  
Winters, Joel

**MERRIMACK**

Baxley, Maureen  
Brueggemann, Donald  
Foose, Robert  
Kidder, David  
Potter, Frances  
Wallner, Mary  
Williams, Robert

Beauchesne, Suzanne  
Clarke, Claire  
French, Barbara  
Lockwood, Priscilla  
Reardon, Tara  
Walz, Mary

Blanchard, Elizabeth  
Davis, Frank  
Gile, Mary  
Osborne, Jessie  
Ryan, Jim  
Webb, Leigh

Bouchard, Candace  
DeStefano, Stephen  
Hager, Elizabeth  
Porter, Margaret  
Shurtleff, Stephen  
Wheeler, Deborah

**ROCKINGHAM**

Abbott, Dennis  
Howard, Doreen  
Pantelakos, Laura

Brown, C. Pennington  
Lister, Charlotte  
Snow, Richard

Casey, Kimberley  
McKenna, Daniel

Flockhart, Eileen  
McKinney, Betsy

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Hofemann, Roland  
Miller, Joseph  
Smith, Marjorie

Brown, Julie  
Domingo, Baldwin  
Hubbard, Pamela  
Rollo, Deanna  
Sprague, Dale

Browne, Brendon  
Fargo, Thomas  
Kaen, Naida  
Rollo, Michael  
Smec, Robert

Cyr, James  
Goodwin, Earle  
Knowles, William  
Rous, Emma

**SULLIVAN**

Cloutier, John  
Houde, Matthew

Donovan, Thomas  
Phinizy, James

Ferland, Brenda  
Skinder, Carla

Franklin, Peter

**NAYS 235****BELKNAP**

Allen, Janet  
Morrison, Gail  
Tilton, Franklin

Boyce, Laurie  
Nedeau, Stephen  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Flanders, Donald  
Thomas, John  
Whalley, Michael

**CARROLL**

Ahlgren, Christopher  
Butler, Edward  
Heard, Virginia  
Patten, Betsey

Bridgham, Robert  
Chandler, Gene  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Cunningham, Howard  
Martin, James

Buco, Thomas  
Denley, William  
Morrow, Harry

**CHESHIRE**

Allen, Peter  
Johnson, Jane  
Weed, Charles

Butynski, William  
Parkhurst, Henry

Emerson, Susan  
Plifka, Stanley Jr

Espiefs, Peter  
Robertson, Timothy

**COOS**

King, Frederick  
Tholl, John Jr

Remick, William

Stohl, Eric

Theberge, Robert

**GRAFTON**

Aguiar, James  
Friedrich, Carol  
Laliberte, Suzanne  
Solomon, Peter

Almy, Susan  
Gionet, Edmond  
Lovett, Sid  
Sorg, Gregory

Bulis, Lyle  
Hammond, Lee  
Mulholland, Catherine  
Williams, Burton

Dingman, Vernon III  
Ingbreton, Paul  
Preston, Philip

**HILLSBOROUGH**

Barry, Richard  
Chase, Claudia  
Cote, Peter  
Daniels, Gary  
Elliott, Nancy  
Gargas, Carolyn  
Graham, John  
Hammond, Jill  
Hinkle, Peyton  
Irwin, Anne-Marie  
Kopka, Angeline  
Lisle, Carolyn  
Marshall, Seth  
Moran, Edward  
Price, Pamela  
Rosenwald, Cindy  
Simon, Anthony  
Spratt, Stephen  
Tahir, Saghir

Batula, Peter  
Christensen, Chris  
Coughlin, Pamela  
Day, Russell  
Emerton, Larry  
Ginsburg, Ruth  
Hackel, Paul  
Hansen, Ryan  
Hogan, Edith  
Jasper, Shawn  
Kurk, Neal  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Neil, James  
Reeves, Sandra  
Rowe, Robert  
Smith, David  
Stepanek, Stephen  
Ulery, Jordan

Bergeron, Jean-Guy  
Christiansen, Lars  
Crane, Elenore Casey  
Drisko, Richard  
Fontas, Jeffrey  
Gorman, Mary  
Haefner, Robert  
Harvey, Suzanne  
Holden, Randolph  
Knowles, John  
L'Heureux, Robert  
Mack, Ron  
McRae, Karen  
Ober, Lynne  
Renzullo, Andrew  
Schulze, Joan  
Soucy, Connie  
Sullivan, Daniel  
Vaillancourt, Steve

Bergin, Peter  
Clark, Mark  
Daler, Jennifer  
Edwards, Andrew  
Francoeur, Bea  
Goyette, Peter  
Hall, Betty  
Hawkins, Ken  
Infantine, William  
Knowles, Mary Ann  
Lawrence, James  
Manney, Pamela  
Mooney, Maureen  
Ober, Russell III  
Rochette, Eric  
Shattuck, Gilman  
Spaulding, Jayne  
Sysyn, Mary  
Villeneuve, Maurice

**MERRIMACK**

Anderson, Eric  
Hamm, Christine  
Kjellman, Eleanor Glynn  
Reed, Dennis  
Yeaton, Charles

Brown, Carole  
Hess, David  
MacKay, James  
Richardson, Gary

Ehlers, Eileen  
Humphries, Charlie  
McMahon, Patricia  
Tilton, Joy

Greco, Vincent  
Kelly, Sally  
Owen, Derek  
Tupper, Frank

**ROCKINGHAM**

Allen, Mary  
Bettencourt, David  
Camm, Kevin  
Dalrymple, David  
Dumaine, Dudley  
Flanders, John Sr  
Gould, Kenneth  
Headd, James  
Ingram, Russell  
Katsakiores, Phyllis  
Lund, Howie  
McMahon, Charles  
Nord, Susi

Baldasaro, Alfred  
Bishop, Franklin  
Carson, Sharon  
Day, Judith  
Elliott, Robert  
Garcia, Marilinda  
Griffin, Mary  
Henson, John  
Introne, Robert  
Kelley, Jane  
Major, Norman  
Moody, Marcia  
Nowe, Ronald

Bedrick, Jason  
Borden, David  
Case, Frank  
Devine, James  
Emiro, Frank  
Garrity, James  
Grote, Otto  
Hopfgarten, Paul  
Itse, Daniel  
Kennedy, James  
Marsh, Michael  
Moore, Benjamin  
Packard, Sherman

Belanger, Ronald  
Cali-Pitts, Jacqueline  
Charron, Gene  
DiFrancia, Anthony  
Fesh, Bob  
Gleason, John  
Guthrie, Joseph  
Hutchinson, Karen  
Kappler, Lawrence  
Kepner, Susan  
McEachern, Paul  
Moore, Bennett  
Pearson, Mark

Powers, James  
Rausch, James  
Sanders, Elisabeth  
Weare, Everett  
Wickson, Rick

Priestley, Anne  
Reagan, John  
Splaine, James  
Welch, David  
Winchell, George

Quandt, Marshall  
Robertson, Carl  
Stiles, Nancy  
Wells, Roger

Quandt, Matthew  
Russell, Trinka  
Waterhouse, Kevin  
Weyler, Kenneth

### STRAFFORD

Billian, Deborah  
Mickelonis, Shawn  
Vachon, Dennis

Brennan, William  
Perry, Robert  
Wall, Janet

Brown, Larry  
Schmidt, Peter  
Watson, Robert

Burke, Rachel  
Spang, Judith

### SULLIVAN

Converse, Larry  
Nielsen, Ellen

Gagnon, Raymond  
Rodeschin, Beverly

Gottling, Suzanne

Jillette, Arthur Jr

and the Committee of Conference Report failed.

Rep. Robert Johnson declared a conflict of interest on **SB 106** and did not participate.

### COMMITTEE OF CONFERENCE REPORT ON SB 143

Committee of Conference Report on **SB 143**, an act naming Jericho Mountain state park and establishing ATV and trail bike trails in such park.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Jericho Mountain State Park. Amend RSA 215A:43 by inserting after paragraph V the following new paragraphs:

VI. The property acquired for the purposes of developing ATV and trail bike trails in the city of Berlin by the department of resources and economic development, division of parks and recreation, bureau of trails, and any abutting land donated or acquired after the effective date of this paragraph, shall hereby be known as Jericho Mountain state park.

VII. Notwithstanding the provisions of this section to the contrary, at Jericho Mountain state park:

(a) An ATV or trail bike trail may be established and subsequently maintained within Jericho Mountain state park even though it:

(1) Is within 330 feet of a known raptor nest provided that it is not within 650 feet of trees with eagle or osprey nests; or

(2) Fails to comply with the criteria in RSA 215-A:43, II(o) and (q) to the extent that it is utilizing an existing surface roadway located within the protected area which would reduce adverse environmental impacts.

(b) Site specific waivers of the criteria specified in RSA 215-A:43, II(o) and (q) are only allowed on trails in Jericho Mountain state park provided that all of the following criteria are met:

(1) There is no practicable alternative location of the trail that would meet the criteria in RSA 215-A:43, II;

(2) The proposed trail location and construction is the least impacting alternative; and

(3) Conditions of the site specific waiver are authorized in writing by:

(A) The department of resources and economic development, in agreement with the fish and game department, for waivers at Jericho Mountain state park that will have no impact on water quality; or

(B) The department of resources and economic development, in agreement with the fish and game department and the department of environmental services for waivers at Jericho Mountain state park that may have an impact on water quality.

(c) A person may operate an OHRV within Jericho Mountain state park which weighs up to 1200 pounds and is no wider than 60 inches.

VIII. This section shall not apply to department of transportation property required for trail crossing or connector permits at, or which directly connect to, Jericho Mountain state park.

2 Effective Date. This act shall take effect July 1, 2007.

**AMENDED ANALYSIS**

This bill allows waivers of certain criteria in the evaluation process for establishment of ATV and trail bike trails relative to Jericho Mountain state park in Berlin.

Conferees: Sens. Fuller Clark, Dist. 24; Cilley, Dist. 6; and Gallus, Dist. 1.

Conferees: Reps. Brueggemann, Merr. 12; Gottling, Sull. 3; Kepner, Rock. 15; and David Russell, Belk. 6.

Rep. Brueggemann moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 161-FN**

Committee of Conference Report on **SB 161-FN**, an act relative to the registration fees for mortgage servicing companies.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Debt Adjustment; Definition. RSA 399-D:2, IV is repealed and reenacted to read as follows:

IV. "Debt adjustment" means:

(a) Providing debt management advice or counseling to consumers for direct or indirect compensation;

(b) Creating debt management plans for consumers for direct or indirect compensation;

(c) Negotiating with creditors on behalf of consumers for direct or indirect compensation; or

(d) Receiving, for a fee or compensation and as agent of a debtor, money or evidences thereof for the purpose of distributing such money or evidences thereof among creditors in full or partial payment of obligations of the debtor.

Conferees: Sens. Gottesman, Dist. 12; Foster, Dist. 13; and Barnes, Dist. 17.

Conferees: Reps. Reardon, Merr. 11; Hunt, Ches. 7; DeStefano, Merr. 13; and Nord, Rock 1.

Rep. Reardon moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 170-FN**

Committee of Conference Report on **SB 170-FN**, an act establishing an office of mediation and arbitration within the judicial branch.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 4 the following and renumbering the original sections 5-8 to read as 6-9, respectively:

5 Funding for Alternative Dispute Resolution. Any amounts appropriated to PAU 02-01-01-01, classes 50, 60, and 92 in the state operating budget for fiscal years 2008 and 2009 for salary and benefits for the part-time alternative dispute resolution coordinator and for alternative dispute resolution, shall be transferred by the department of administrative services to the mediation and arbitration fund, established under RSA 490-E:4, pursuant to section 2 of this act.

Conferees: Sens. Foster, Dist. 13; Gottesman, Dist. 12; and Clegg, Dist. 14.

Conferees: Reps. Lasky, Hills. 26; Baxley, Merr. 6; Shurtleff, Merr. 10; and Mooney, Hills. 19.

Rep. Lasky moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

Rep. Coughlin declared a conflict of interest on **SB 170-FN** and did not participate.

**COMMITTEE OF CONFERENCE REPORT ON SB 176-FN**

Committee of Conference Report on **SB 176-FN**, an act relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standards.



Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 130-A:6, I as inserted by section 2 of the bill by replacing it with the following:

I. The commissioner may, as part of an investigation conducted under RSA 130-A:5 ~~[and after making reasonable efforts to notify the owner or the owner's agent]~~, conduct an inspection of any leased or rented dwelling or dwelling unit during business hours, or at a time mutually agreed ~~[to]~~ *upon with the owner or the owner's agent*, for the purposes of identifying the presence of lead base substances. The findings of the inspection shall be provided to the occupant, the health authority, the child's health care provider and to the owner or the owner's agent. *If the leased or rented dwelling has multiple units, and if a lead exposure hazard is determined to exist during an investigation conducted under RSA 130-A:5, the commissioner shall conduct inspections of all other dwelling units of the leased or rented dwelling with the owner or owner's agent for the purposes of identifying the presence of lead base substances. The findings of these inspections shall be provided to the occupant, the health authority, and the owner or the owner's agent.* When a lead exposure hazard is determined to exist per RSA 130-A:1, XVI(a), (b) or (c), the commissioner shall issue an order requiring lead hazard reduction to the owner and, if appropriate, to the owner's agent. When a lead exposure hazard is determined to exist per RSA 130-A:1, XVI(d), the commissioner may issue an order requiring lead hazard reduction to the owner and, if appropriate, to the owner's agent. A copy of the order shall be provided to the occupants of the dwellings or dwelling unit, to the occupants of any adjacent or attached dwellings or dwelling units having the same owner and where a child resides, and to the health authority. An order shall be issued in accordance with RSA 130-A:7.

Amend the bill by replacing section 16 with the following:

16 Effective Date.

I. Sections 10-14 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2008.

Conferees: Sens. Estabrook, Dist. 21; DeVries, Dist. 18; and Foster, Dist. 13.

Conferees: Reps. Rosenwald, Hills. 22; Bridgham, Carr. 2; Carolyn Brown, Carr. 1; and Emerton, Hills. 7.

Rep. Rosenwald moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

Reps. Blanchard and Baroody declared conflicts of interest on **SB 176-FN** and did not participate.

### COMMITTEE OF CONFERENCE REPORT ON SB 187

Committee of Conference Report on **SB 187**, an act relative to motor vehicles operated in parades.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 265:108-a, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) No person may use any type of vehicle with protruding or outrigger wheels in a parade unless the vehicle is suitably modified to protect both riders and pedestrians from the wheel assembly.

Conferees: Sens. Letourneau, Dist. 19; DeVries, Dist. 18; and Burling, Dist. 5.

Conferees: Reps. Ryan, Merr. 2; Robert Williams, Merr. 11; Nedeau, Belk. 3; and Cunningham, Carr. 3.

Rep. Ryan moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 188

Committee of Conference Report on **SB 188**, an act relative to unfair claim settlement practices by insurers.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Gottesman, Dist. 12; Reynolds, Dist. 2; and Foster, Dist. 13.  
 Conferees: Reps. Houde, Sull. 1; Butler, Carr. 1; Martin, Carr. 5; and Reardon, Merr. 11.  
 Rep. Houde moved that the House adopt the Committee of Conference Report.  
 Committee of Conference Report adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SB 204-FN-A**

Committee of Conference Report on **SB 204-FN-A**, an act relative to collection of debts owed the state.  
 Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Kelly, Dist. 10; Downing, Dist. 22; and Burling, Dist. 5.  
 Conferees: Reps. Harding, Graf. 11; Hawkins, Hills. 18; Beck, Hills. 2; and Eric Anderson, Merr. 3.  
 Rep. Harding moved that the House adopt the Committee of Conference Report.  
 Committee of Conference Report adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SB 215-FN-A**

Committee of Conference Report on **SB 215-FN-A**, an act making an appropriation for AIDS services.  
 Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Department of Health and Human Services; Grants to AIDS Services Organizations. The department shall distribute to the specified agencies the total sum of \$500,000 in the fiscal year ending June 30, 2008 and the total sum of \$500,000 in the fiscal year ending June 30, 2009 for grants to the following AIDS services organizations: a Community Resource Network (ACORN) in Lebanon; AIDS Response-Seacoast in Portsmouth; AIDS Services for Monadnock in Keene; the Greater Manchester AIDS Project; and Southern New Hampshire HIV/AIDS Task Force in Nashua. The department shall fund said grants from funds appropriated to the department in the state operating budget in fiscal years 2008 and 2009. The awarding of such grants to the specified agencies by the department of health and human services shall be on a per capita basis. The administration of these grants by the department of health and human services shall follow the procedures established by the Boston Public Health Commission AIDS Program, both for eligibility and billing.

Conferees: Sens. Fuller Clark, Dist. 24; Hassan, Dist. 23; and Gallus, Dist. 1.  
 Conferees: Reps. Donovan, Sull. 4; Joy Tilton, Merr. 6; MacKay, Merr. 11; and Mitchell, Ches. 7.  
 Rep. Donovan moved that the House adopt the Committee of Conference Report.  
 Committee of Conference Report adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SB 217-FN-A**

Committee of Conference Report on **SB 217-FN-A**, an act establishing the New Hampshire housing and conservation planning program.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 4-C:29, III(a) and (b) as inserted by section 1 of the bill by replacing it with the following:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the senate president.

Conferees: Sens. Fuller Clark, Dist. 24; Barnes, Dist. 17; and Cilley, Dist. 6.  
 Conferees: Reps. Osborne, Merr. 12; Cooney, Graf. 7; Butterworth, Ches. 4; and Baroody, Hills. 13.  
 Rep. Osborne moved that the House adopt the Committee of Conference Report.  
 Committee of Conference Report adopted.  
 Rep. Reardon declared a conflict of interest on **SB 217-FN-A** and did not participate.

### COMMITTEE OF CONFERENCE REPORT ON SB 233-FN

Committee of Conference Report on **SB 233-FN**, an act relative to sales by beverage manufacturers and relative to the definition of specialty beer.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 5 with the following:

5 New Section; Specialty Beer Label Requirements. Amend RSA 179 by inserting after section 40 the following new section:

179:40-a Specialty Beer Label Requirements. No person shall sell any specialty beer having an alcohol content greater than 12 percent unless the label on the container and any packaging for the consumer clearly states the percent of alcohol by volume of the specialty beer.

Conferees: Sens. Burling, Dist. 5; Fuller Clark, Dist. 24; and Downing, Dist. 22.

Conferees: Reps. Reardon, Merr. 11; Hunt, Ches. 7; Butler, Carr. 1; and DeStefano, Merr. 13.

Rep. Reardon moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 235-FN-A

Committee of Conference Report on **SB 235-FN-A**, an act relative to milk support for dairy farmers.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 184:110, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The board, using fund moneys with the approval of the governor and council, may employ legal counsel as necessary to perform its duties in administering the emergency milk producers relief fund.

Conferees: Sens. Fuller Clark, Dist. 24; Kelly, Dist. 10; and Kenney, Dist. 3.

Conferees: Reps. Phinizy, Sull. 7; O'Connell, Hills. 6; Sad, Ches. 2; and Hamm, Merr. 4.

Rep. Phinizy moved that the House adopt the Committee of Conference Report.

On a division vote, 202 members having voted in the affirmative and 97 in the negative, the Committee of Conference Report was adopted.

### SENATE MESSAGES

#### ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

**HB 25-FN-A**, making appropriations for capital improvements.

**HB 37**, relative to notification requirements for criminal offenders.

**HB 83**, relative to the deliberations of the board of tax and land appeals under the right-to-know law.

**HB 95-L**, relative to the treatment of charter school pupils in the definition of average daily membership in residence.

**HB 134**, relative to electronic prescribing for prescription drugs.

**HB 187**, establishing that sheriffs' departments have sole jurisdiction to enforce civil orders.

**HB 202**, relative to a point system for automobile dealer and inspection station violations.

**HB 229**, relative to licensing requirements for operators of games of chance.

**HB 261**, prohibiting the Carroll County attorney from engaging in the private practice of law.

**HB 293**, allowing municipalities to establish agricultural commissions.

**HB 306**, establishing a task force on work and family.

**HB 365**, establishing a commission to study foreclosures of home mortgages and the foreclosure rescue scam industry.

**HB 377-FN-L**, relative to the right-to-know law.

**HB 429**, relative to nominations by multiple parties.

**HB 488-FN-A-L**, relative to the state chief medical examiner and medico-legal death investigations and making an appropriation to the department of justice for autopsy costs.

**HB 498-FN-A**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department.

**HB 533**, relative to Occupational Safety and Health Administration certification requirements for state contracts.

**HB 653**, relative to the determination of benefits, funding, and administration of the New Hampshire retirement system.

**HB 659-FN**, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements.

**HB 723**, extending the moratoriums on nursing home beds and rehabilitation.

**HB 735**, relative to the form of the presidential primary election ballot.

**HB 767**, relative to insurance for volunteer drivers.

**HB 796**, relative to civil liability for damaging highway protective barriers.

**HB 828-FN**, relative to a state ethics officer.

**HB 876-FN-L**, establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system.

**HB 882-FN**, relative to limitations on tort liability of government units.

**HB 903-FN**, prohibiting delivery of oil to non-compliant underground storage facilities.

**HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education.

## COMMITTEE OF CONFERENCE REPORT ON HOUSE BILLS

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009. (Report printed SJ 6-27-07)

Rep. Marjorie Smith moved that the House adopt the Committee of Conference Report.

## MOTION TO SUSPEND THE RULES

Rep. Jasper moved that the Rules be so far suspended to allow consideration of all Committee of Conference Reports not signed off by the deadline.

The Speaker ruled the motion out of order.

## APPEAL OF THE RULING OF THE CHAIR

Rep. Jasper appealed the ruling of the Chair.

The question now being should the ruling of the Chair be upheld?

Rep. Jasper spoke against.

Rep. Daniel Eaton spoke in favor and yielded to questions.

Rep. Campbell requested a roll call; sufficiently seconded.

**YEAS 248 NAYS 108**

### YEAS 248

#### BELKNAP

Arsenault, Beth  
Wood, Jane

Millham, Alida

Morrison, Gail

Reever, Judith

#### CARROLL

Ahlgren, Christopher  
Cunningham, Howard

Bridgham, Robert  
Heard, Virginia

Buco, Thomas  
Merrow, Harry

Butler, Edward  
Patten, Betsey

#### CHESHIRE

Allen, Peter  
Butynski, William  
Espieffs, Peter  
Plifka, Stanley Jr  
Sad, Tara

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Robertson, Timothy

**COOS**

Hatch, William  
Merrick, Scott

Ingersoll, Paul Sr  
Theberge, Robert

King, Frederick  
Thomas, Yvonne

Merrick, Evalyn

**GRAFTON**

Aguiar, James  
Estes, Carole  
Laliberte, Suzanne  
Mulholland, Catherine  
Williams, Burton

Aimy, Susan  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

Bleyler, Ruth  
Hammond, Lee  
Matheson, Robert  
Preston, Philip

Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Solomon, Peter

**HILLSBOROUGH**

Baroody, Benjamin  
Bergin, Peter  
Cote, David  
Edwards, Andrew  
Forest, Armand  
Ginsburg, Ruth  
Hackel, Paul  
Hebert, Roger  
Judy, Jean  
Knowles, Mary Ann  
Leishman, Peter  
Long, Patrick  
Matarazzo, Anthony Sr  
O'Neil, James  
Rochette, Eric  
Shattuck, Gilman  
Smith, Sandra  
Sysyn, Mary

Barry, Richard  
Brunelle, Michael  
Cote, Peter  
Emerton, Larry  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Holden, Randolph  
Johnson, Stephen  
Kopka, Angeline  
Levasseur, Nickolas  
Mack, Ron  
Messier, Irene  
Peterson, Andy  
Rosenwald, Cindy  
Shaw, Barbara  
Spratt, Stephen  
Winters, Joel

Beaulieu, Jane  
Campbell, David  
Crane, Elenore Casey  
Essex, David  
Gargas, Carolyn  
Gorman, Mary  
Hammond, Jill  
Irwin, Anne-Marie  
Kaelin, Michael  
Kurk, Neal  
Levesque, Melanie  
Manney, Pamela  
Movsesian, Lori  
Reeves, Sandra  
Scannell, David  
Simon, Anthony  
Sullivan, Daniel

Beck, Catriona  
Chase, Claudia  
Daler, Jennifer  
Fontas, Jeffrey  
Garritty, Patrick  
Graham, John  
Harvey, Suzanne  
Jean, Claudette  
Knowles, John  
Lasky, Bette  
Lisle, Carolyn  
Marshall, Seth  
O'Connell, Timothy  
Reuschel, Michael  
Schulze, Joan  
Smith, David  
Sullivan, Francis

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
Lockwood, Priscilla  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Dale, Mary  
Kelly, Sally  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kidder, David  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Bouchard, Candace  
Davis, Frank  
Foote, Robert  
Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

**ROCKINGHAM**

Abbott, Dennis  
Cali-Pitts, Jacqueline  
Dalrymple, David  
Emiro, Frank  
Grote, Otto  
Hutchinson, Karen  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Powers, James  
Splaine, James

Belanger, Ronald  
Case, Frank  
Day, Judith  
Flockhart, Eileen  
Guthrie, Joseph  
Introne, Robert  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Priestley, Anne  
Weare, Everett

Borden, David  
Casey, Kimberley  
DiFruscia, Anthony  
Gould, Kenneth  
Henson, John  
Johnson, Robert  
Lister, Charlotte  
McKenna, Daniel  
Packard, Sherman  
Russell, Trink

Brown, C. Pennington  
Charron, Gene  
Dumaine, Dudley  
Griffin, Mary  
Howard, Doreen  
Kelley, Jane  
Marsh, Michael  
Moody, Marcia  
Pantelakos, Laura  
Snow, Richard

**STRAFFORD**

Berube, Roger  
Brown, Larry  
DeChane, Marlene  
Hilliard, Dana  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Vachon, Dennis

Billian, Deborah  
Browne, Brendon  
Domingo, Baldwin  
Hofemann, Roland  
Mickelonis, Shawn  
Rollo, Michael  
Spang, Judith  
Wall, Janet

Brennan, William  
Burke, Rachel  
Fargo, Thomas  
Hubbard, Pamela  
Miller, Joseph  
Rous, Emma  
Sprague, Dale  
Watson, Robert

Brown, Julie  
Cyr, James  
Goodwin, Earle  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srnc, Robert

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

**NAYS 108****BELKNAP**

Allen, Janet  
Nedeau, Stephen  
Tobin, William

Boyce, Laurie  
Russell, David  
Wendelboe, Fran

Clark, Charles  
Thomas, John  
Whalley, Michael

Flanders, Donald  
Tilton, Franklin

**CARROLL**

Brown, Carolyn  
Martin, James

Chandler, Gene  
Stevens, Stanley

Denley, William

Knox, J. David

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

**COOS**

Remick, William

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Bulis, Lyle  
Sorg, Gregory

Dingman, Vernon III

Gionet, Edmond

Ingbreton, Paul

**HILLSBOROUGH**

Batula, Peter  
Clark, Mark  
Dokmo, Cynthia  
Goyette, Peter  
Hinkle, Peyton  
L'Heureux, Robert  
Ober, Lynne  
Rowe, Robert  
Tahir, Saghir

Bergeron, Jean-Guy  
Coughlin, Pamela  
Drisko, Richard  
Haefner, Robert  
Hogan, Edith  
McRae, Karen  
Ober, Russell III  
Soucy, Connie  
Ulery, Jordan

Christensen, Chris  
Daniels, Gary  
Elliott, Nancy  
Hansen, Ryan  
Infantine, William  
Mooney, Maureen  
Price, Pamela  
Spaulding, Jayne  
Vaillancourt, Steve

Christiansen, Lars  
Day, Russell  
Francoeur, Bea  
Hawkins, Ken  
Jasper, Shawn  
Moran, Edward  
Renzullo, Andrew  
Stepanek, Stephen  
Villeneuve, Maurice

**MERRIMACK**

Anderson, Eric  
Reed, Dennis

Hess, David

Humphries, Charlie

MacKay, James

**ROCKINGHAM**

Allen, Mary  
Bishop, Franklin  
Elliott, Robert  
Garritty, James  
Ingram, Russell  
Lund, Howie

Baldasaro, Alfred  
Camm, Kevin  
Fesh, Bob  
Gleason, John  
Itse, Daniel  
Major, Norman

Bedrick, Jason  
Carson, Sharon  
Flanders, John Sr  
Headd, James  
Kappler, Lawrence  
McMahon, Charles

Bettencourt, David  
Devine, James  
Garcia, Marilinda  
Hopfgarten, Paul  
Katsakiores, Phyllis  
Moore, Benjamin

Nowe, Ronald  
Reagan, John  
Waterhouse, Kevin  
Wickson, Rick

Quandt, Marshall  
Robertson, Carl  
Welch, David  
Winchell, George

Quandt, Matthew  
Sanders, Elisabeth  
Wells, Roger

Rausch, James  
Stiles, Nancy  
Weyler, Kenneth

## STRAFFORD

None

## SULLIVAN

Rodeschin, Beverly  
and the ruling of the Chair was upheld.

The question now being adoption of the Committee of Conference Report on HB 1-A.  
Rep. Kurk spoke against.

Rep. Daniel Eaton spoke in favor and yielded to questions.

Rep. Marjorie Smith requested a roll call; sufficiently seconded.

## YEAS 211 NAYS 146

### YEAS 211

#### BELKNAP

Arsenault, Beth

Morrison, Gail

Reever, Judith

Wood, Jane

#### CARROLL

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

#### CHESHIRE

Allen, Peter  
Butynski, William  
Espies, Peter  
Plifka, Stanley Jr  
Weber, Lucy

Burridge, Delmar  
Chase, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weed, Charles

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Roberts, Kris

Butterworth, Timothy  
Eaton, Daniel  
Parkhurst, Henry  
Sad, Tara

#### COOS

Hatch, William  
Theberge, Robert

Ingersoll, Paul Sr  
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

#### GRAFTON

Aguiar, James  
Estes, Carole  
Laliberte, Suzanne  
Mulholland, Catherine

Almy, Susan  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

Bleyler, Ruth  
Hammond, Lee  
Matheson, Robert  
Preston, Philip

Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Solomon, Peter

## HILLSBOROUGH

Baroody, Benjamin  
Campbell, David  
Daler, Jennifer  
Forest, Armand  
Ginsburg, Ruth  
Hall, Betty  
Irwin, Anne-Marie  
Kaelin, Michael  
Lasky, Bette  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
Reuschel, Michael  
Schulze, Joan  
Simon, Anthony  
Sullivan, Daniel

Beaulieu, Jane  
Chase, Claudia  
Edwards, Andrew  
Foster, Linda  
Goley, Jeffrey  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Messier, Irene  
Rochette, Eric  
Shattuck, Gilman  
Smith, David  
Sullivan, Francis

Beck, Catriona  
Cote, David  
Essex, David  
Gargas, Carolyn  
Gorman, Mary  
Harvey, Suzanne  
Judy, Jean  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Movsesian, Lori  
Rosenwald, Cindy  
Shaw, Barbara  
Smith, Sandra  
Sysyn, Mary

Brunelle, Michael  
Cote, Peter  
Fontas, Jeffrey  
Garrity, Patrick  
Hackel, Paul  
Hebert, Roger  
Johnson, Stephen  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
O'Neil, James  
Scannell, David  
Shaw, Kimberly  
Spratt, Stephen

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Hamm, Christine  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kelly, Sally  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
Kidder, David  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hager, Elizabeth  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

**ROCKINGHAM**

Abbott, Dennis  
Day, Judith  
Henson, John  
Kepner, Susan  
McEachern, Paul  
Nord, Susi  
Russell, Trinka

Borden, David  
Flockhart, Eileen  
Howard, Doreen  
Lister, Charlotte  
McKenna, Daniel  
Pantelakos, Laura  
Snow, Richard

Brown, C. Pennington  
Gould, Kenneth  
Kelley, Jane  
Marsh, Michael  
Moody, Marcia  
Powers, James  
Splaine, James

Cali-Pitts, Jacqueline  
Grote, Otto  
Kennedy, James  
McCarthy, Linda  
Moore, Bennett  
Robertson, Carl

**STRAFFORD**

Berube, Roger  
Brown, Larry  
DeChane, Marlene  
Hofemann, Roland  
Mickelsonis, Shawn  
Rollo, Michael  
Spang, Judith

Billian, Deborah  
Browne, Brendon  
Fargo, Thomas  
Hubbard, Pamela  
Miller, Joseph  
Rous, Emma  
Sprague, Dale

Brennan, William  
Burke, Rachel  
Goodwin, Earle  
Kaen, Naida  
Perry, Robert  
Schmidt, Peter  
Srncic, Robert

Brown, Julie  
Cyr, James  
Hilliard, Dana  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

**NAYS 146****BELKNAP**

Allen, Janet  
Millham, Alida  
Tilton, Franklin

Boyce, Laurie  
Nedeau, Stephen  
Tobin, William

Clark, Charles  
Russell, David  
Wendelboe, Fran

Flanders, Donald  
Thomas, John  
Whalley, Michael

**CARROLL**

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Morrow, Harry

Denley, William  
Patten, Betsey

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

Robertson, Timothy

**COOS**

King, Frederick

Remick, William

Stohl, Eric

Tholl, John Jr

**GRAFTON**

Bulis, Lyle  
Sorg, Gregory

Dingman, Vernon III  
Williams, Burton

Gionet, Edmond

Ingbreton, Paul

**HILLSBOROUGH**

Barry, Richard  
Christensen, Chris

Batula, Peter  
Christiansen, Lars

Bergeron, Jean-Guy  
Clark, Mark

Bergin, Peter  
Coughlin, Pamela



Crane, Elenore Casey  
 Drisko, Richard  
 Goyette, Peter  
 Hawkins, Ken  
 Infantine, William  
 Lawrence, James  
 Moran, Edward  
 Peterson, Andy  
 Rowe, Robert  
 Tahir, Saghir  
 Winters, Joel

Daniels, Gary  
 Elliott, Nancy  
 Graham, John  
 Hinkle, Peyton  
 Jasper, Shawn  
 Manney, Pamela  
 O'Connell, Timothy  
 Price, Pamela  
 Soucy, Connie  
 Ulery, Jordan

Day, Russell  
 Emerton, Larry  
 Haefner, Robert  
 Hogan, Edith  
 Kurk, Neal  
 McRae, Karen  
 Ober, Lynne  
 Reeves, Sandra  
 Spaulding, Jayne  
 Vaillancourt, Steve

Dokmo, Cynthia  
 Francoeur, Bea  
 Hansen, Ryan  
 Holden, Randolph  
 L'Heureux, Robert  
 Mooney, Maureen  
 Ober, Russell III  
 Renzullo, Andrew  
 Stepanek, Stephen  
 Villeneuve, Maurice

### MERRIMACK

Anderson, Eric  
 MacKay, James

Hess, David  
 Reed, Dennis

Humphries, Charlie

Lockwood, Priscilla

### ROCKINGHAM

Allen, Mary  
 Bettencourt, David  
 Case, Frank  
 DiFruscia, Anthony  
 Fesh, Bob  
 Gleason, John  
 Hopfgarten, Paul  
 Itse, Daniel  
 Lund, Howie  
 Nowe, Ronald  
 Quandt, Matthew  
 Stiles, Nancy  
 Wells, Roger

Baldasaro, Alfred  
 Bishop, Franklin  
 Charron, Gene  
 Dumaine, Dudley  
 Flanders, John Sr  
 Griffin, Mary  
 Hutchinson, Karen  
 Johnson, Robert  
 Major, Norman  
 Packard, Sherman  
 Rausch, James  
 Waterhouse, Kevin  
 Weyler, Kenneth

Bedrick, Jason  
 Camm, Kevin  
 Dalrymple, David  
 Elliott, Robert  
 Garcia, Marilinda  
 Guthrie, Joseph  
 Ingram, Russell  
 Kappler, Lawrence  
 McMahon, Charles  
 Priestley, Anne  
 Reagan, John  
 Weare, Everett  
 Wickson, Rick

Belanger, Ronald  
 Carson, Sharon  
 Devine, James  
 Emiro, Frank  
 Garrity, James  
 Headd, James  
 Introne, Robert  
 Katsakiores, Phyllis  
 Moore, Benjamin  
 Quandt, Marshall  
 Sanders, Elisabeth  
 Welch, David  
 Winchell, George

### STRAFFORD

Vachon, Dennis

Watson, Robert

### SULLIVAN

Ferland, Brenda  
 and the Committee of Conference Report was adopted.

Rodeschin, Beverly

The House recessed at 12:30 p.m.

### RECESS

### (Speaker Norelli in the Chair)

The House reconvened at 1:45 p.m.

### COMMITTEE OF CONFERENCE REPORT ON HOUSE BILLS (CONT'D)

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. (Report printed SJ 6-27-07)

Rep. Marjorie Smith moved that the House adopt the Committee of Conference Report.

Reps. McEachern and Wendelboe spoke against and yielded to questions.

Reps. DeJoie and Marjorie Smith spoke in favor and yielded to questions.

Reps. Chandler and Whalley spoke against.

Reps. Marsh and Nordgren spoke in favor.

Rep. Marjorie Smith requested a roll call; sufficiently seconded.

**YEAS 199 NAYS 155**

### YEAS 199

### BELKNAP

Arsenault, Beth

Reever, Judith

Wood, Jane

**CARROLL**

Bridgham, Robert  
Heard, Virginia

Buco, Thomas

Butler, Edward

Cunningham, Howard

**CHESHIRE**

Allen, Peter  
Butynski, William  
Espiefs, Peter  
Richardson, Barbara  
Weed, Charles

Burridge, Delmar  
Chase, William  
Lerandau, Alfred  
Roberts, Kris

Butcher, Suzanne  
Dunn, J. Timothy  
Mitchell, Bonnie  
Sad, Tara

Butterworth, Timothy  
Eaton, Daniel  
Plifka, Stanley Jr  
Weber, Lucy

**COOS**

Hatch, William

Merrick, Evalyn

Merrick, Scott

Theberge, Robert

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Harding, A Laurie  
McLeod, Martha  
Solomon, Peter

Almy, Susan  
Estes, Carole  
Laliberte, Suzanne  
Mulholland, Catherine

Benn, Bernard  
Friedrich, Carol  
Lovett, Sid  
Nordgren, Sharon

Bleyler, Ruth  
Hammond, Lee  
Matheson, Robert  
Preston, Philip

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Daler, Jennifer  
Foster, Linda  
Gorman, Mary  
Harvey, Suzanne  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Long, Patrick  
O'Neil, James  
Scannell, David  
Shaw, Kimberly  
Sullivan, Francis

Beaulieu, Jane  
Chase, Claudia  
Edwards, Andrew  
Garrity, Patrick  
Hackel, Paul  
Hebert, Roger  
Judy, Jean  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
Reuschel, Michael  
Schulze, Joan  
Smith, David  
Sysyn, Mary

Beck, Catriona  
Cote, David  
Essex, David  
Ginsburg, Ruth  
Hall, Betty  
Holden, Randolph  
Johnson, Stephen  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
Rochette, Eric  
Shattuck, Gilman  
Smith, Sandra

Brunelle, Michael  
Cote, Peter  
Fontas, Jeffrey  
Goley, Jeffrey  
Hammond, Jill  
Irwin, Anne-Marie  
Kaelin, Michael  
Lasky, Bette  
Lisle, Carolyn  
Movsesian, Lori  
Rosenwald, Cindy  
Shaw, Barbara  
Spratt, Stephen

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Kelly, Sally  
Owen, Derek  
Richardson, Gary  
Tupper, Frank  
Wheeler, Deborah

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Wallner, Mary  
Williams, Robert

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Walz, Mary  
Yeaton, Charles

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hamm, Christine  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Webb, Leigh

**ROCKINGHAM**

Abbott, Dennis  
Casey, Kimberley  
Howard, Doreen  
Lister, Charlotte  
Moody, Marcia  
Powers, James

Borden, David  
Day, Judith  
Kelley, Jane  
Marsh, Michael  
Moore, Bennett  
Russell, Trink

Brown, C. Pennington  
Flockhart, Eileen  
Kennedy, James  
McCarthy, Linda  
Nord, Susi  
Snow, Richard

Cali-Pitts, Jacqueline  
Grote, Otto  
Kepner, Susan  
McKenna, Daniel  
Pantelakos, Laura  
Splaine, James

**STRAFFORD**

Berube, Roger  
Brown, Larry

Billian, Deborah  
Browne, Brendon

Brennan, William  
Burke, Rachel

Brown, Julie  
Cyr, James

DeChane, Marlene  
Hilliard, Dana  
Miller, Joseph  
Rollo, Michael  
Spang, Judith  
Warren, Nancy

Domingo, Baldwin  
Hofemann, Roland  
Oppenheimer, Kay  
Rous, Emma  
Sprague, Dale

Fargo, Thomas  
Hubbard, Pamela  
Perry, Robert  
Schmidt, Peter  
Smec, Robert

Goodwin, Earle  
Knowles, William  
Rollo, Deanna  
Smith, Marjorie  
Wall, Janet

### SULLIVAN

Cloutier, John  
Gagnon, Raymond  
Nielsen, Ellen

Converse, Larry  
Gottling, Suzanne  
Phinizy, James

Donovan, Thomas  
Houde, Matthew  
Skinder, Carla

Franklin, Peter  
Jillette, Arthur Jr

### NAYS 155

### BELKNAP

Allen, Janet  
Millham, Alida  
Thomas, John  
Whalley, Michael

Boyce, Laurie  
Morrison, Gail  
Tilton, Franklin

Clark, Charles  
Nedeau, Stephen  
Tobin, William

Flanders, Donald  
Russell, David  
Wendelboe, Fran

### CARROLL

Ahlgren, Christopher  
Knox, J. David  
Stevens, Stanley

Brown, Carolyn  
Martin, James

Chandler, Gene  
Merrow, Harry

Denley, William  
Patten, Betsey

### CHESHIRE

Emerson, Susan  
Robertson, Timothy

Hunt, John

Johnson, Jane

Parkhurst, Henry

### COOS

King, Frederick  
Thomas, Yvonne

Remick, William

Stohl, Eric

Tholl, John Jr

### GRAFTON

Bulis, Lyle  
Sorg, Gregory

Dingman, Vernon III  
Williams, Burton

Gionet, Edmond

Ingbretson, Paul

### HILLSBOROUGH

Barry, Richard  
Christensen, Chris  
Daniels, Gary  
Elliott, Nancy  
Goyette, Peter  
Hawkins, Ken  
Jasper, Shawn  
Matarazzo, Anthony Sr  
Moran, Edward  
Peterson, Andy  
Rowe, Robert  
Stepanek, Stephen  
Velez, Hector

Batula, Peter  
Christiansen, Lars  
Day, Russell  
Emerton, Larry  
Graham, John  
Hinkle, Peyton  
Kurk, Neal  
McRae, Karen  
O'Connell, Timothy  
Price, Pamela  
Simon, Anthony  
Tahir, Saghir  
Villeneuve, Maurice

Bergeron, Jean-Guy  
Clark, Mark  
Dokmo, Cynthia  
Francoeur, Bea  
Haefner, Robert  
Hogan, Edith  
L'Heureux, Robert  
Messier, Irene  
Ober, Lynne  
Reeves, Sandra  
Soucy, Connie  
Ulery, Jordan  
Winters, Joel

Bergin, Peter  
Crane, Elenore Casey  
Drisko, Richard  
Gargas, Carolyn  
Hansen, Ryan  
Infantine, William  
Manney, Pamela  
Mooney, Maureen  
Ober, Russell III  
Renzullo, Andrew  
Spaulding, Jayne  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Kidder, David

Hager, Elizabeth  
Lockwood, Priscilla

Hess, David  
MacKay, James

Humphries, Charlie  
Reed, Dennis

### ROCKINGHAM

Allen, Mary  
Bettencourt, David  
Case, Frank

Baldasaro, Alfred  
Bishop, Franklin  
Charron, Gene

Bedrick, Jason  
Camm, Kevin  
Dalrymple, David

Belanger, Ronald  
Carson, Sharon  
Devine, James

DiFruscia, Anthony  
Fesh, Bob  
Gleason, John  
Headd, James  
Introne, Robert  
Katsakiores, Phyllis  
McMahon, Charles  
Priestley, Anne  
Reagan, John  
Weare, Everett  
Wickson, Rick

Dumaine, Dudley  
Flanders, John Sr  
Gould, Kenneth  
Henson, John  
Itse, Daniel  
Lund, Howie  
Nowe, Ronald  
Quandt, Marshall  
Robertson, Carl  
Welch, David  
Winchell, George

Elliott, Robert  
Garcia, Marilinda  
Griffin, Mary  
Hopfgarten, Paul  
Johnson, Robert  
Major, Norman  
Packard, Sherman  
Quandt, Matthew  
Sanders, Elisabeth  
Wells, Roger

Emiro, Frank  
Garrity, James  
Guthrie, Joseph  
Ingram, Russell  
Kappler, Lawrence  
McEachern, Paul  
Pearson, Mark  
Rausch, James  
Stiles, Nancy  
Weyler, Kenneth

### STRAFFORD

Vachon, Dennis

Watson, Robert

### SULLIVAN

Ferland, Brenda

Rodeschin, Beverly

and the Committee of Conference Report was adopted.

### (Rep. Foster in the Chair)

### COMMITTEE OF CONFERENCE REPORT ON HOUSE BILLS (CONT'D)

**HB 25-FN-A**, making appropriations for capital improvements. (Report printed SJ 6-27-07)  
Rep. Bouchard moved that the House adopt the Committee of Conference Report.  
Committee of Conference Report adopted.

**HB 37**, relative to notification requirements for criminal offenders. (Report printed SJ 6-27-07)  
Rep. Hess moved that the House adopt the Committee of Conference Report.  
Committee of Conference Report adopted.

**HB 83**, relative to the deliberations of the board of tax and land appeals under the right-to-know law. (Report printed SJ 6-27-07)  
Rep. Lasky moved that the House adopt the Committee of Conference Report.  
Rep. Rowe spoke against.  
Reps. Gary Richardson and Lasky spoke in favor.  
Rep. Rowe requested a roll call; sufficiently seconded.

**YEAS 189 NAYS 139**

### YEAS 189

### BELKNAP

Arsenault, Beth  
Wood, Jane

Millham, Alida

Reever, Judith

Thomas, John

### CARROLL

Bridgham, Robert  
Patten, Betsey

Buco, Thomas

Butler, Edward

Cunningham, Howard

### CHESHIRE

Allen, Peter  
Butynski, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weber, Lucy

Burridge, Delmar  
Chase, William  
Mitchell, Bonnie  
Roberts, Kris  
Weed, Charles

Butcher, Suzanne  
Dunn, J. Timothy  
Parkhurst, Henry  
Robertson, Timothy

Butterworth, Timothy  
Espiefs, Peter  
Plifka, Stanley Jr  
Sad, Tara

### COOS

Hatch, William  
Stohl, Eric

King, Frederick  
Theberge, Robert

Merrick, Evalyn  
Thomas, Yvonne

Merrick, Scott

**GRAFTON**

Benn, Bernard  
Friedrich, Carol  
Matheson, Robert  
Preston, Philip

Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Solomon, Peter

Cooney, Mary  
Harding, A Laurie  
Mulholland, Catherine  
Sorg, Gregory

Estes, Carole  
Laliberte, Suzanne  
Nordgren, Sharon

**HILLSBOROUGH**

Baroody, Benjamin  
Campbell, David  
Daler, Jennifer  
Fontas, Jeffrey  
Hackel, Paul  
Irwin, Anne-Marie  
Kaelin, Michael  
Lasky, Bette  
Lisle, Carolyn  
Matarazzo, Anthony Sr  
Reuschel, Michael  
Shattuck, Gilman  
Sullivan, Daniel

Beaulieu, Jane  
Chase, Claudia  
Dokmo, Cynthia  
Garritty, Patrick  
Hammond, Jill  
Jean, Claudette  
Knowles, John  
Leishman, Peter  
Long, Patrick  
Movsesian, Lori  
Rochette, Eric  
Shaw, Barbara  
Sullivan, Francis

Beck, Catriona  
Cote, David  
Edwards, Andrew  
Ginsburg, Ruth  
Harvey, Suzanne  
Judy, Jean  
Knowles, Mary Ann  
Levasseur, Nickolas  
Mack, Ron  
O'Connell, Timothy  
Rosenwald, Cindy  
Smith, Sandra  
Sysyn, Mary

Brunelle, Michael  
Cote, Peter  
Essex, David  
Goley, Jeffrey  
Hebert, Roger  
Johnson, Stephen  
Kopka, Angeline  
Levesque, Melanie  
Marshall, Seth  
O'Neil, James  
Schulze, Joan  
Spratt, Stephen

**MERRIMACK**

Baxley, Maureen  
Brown, Carole  
DeJoie, John  
French, Barbara  
Kelly, Sally  
Owen, Derek  
Richardson, Gary  
Wallner, Mary  
Yeaton, Charles

Beauchesne, Suzanne  
Brueggemann, Donald  
DeStefano, Stephen  
Gile, Mary  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Ryan, Jim  
Walz, Mary

Blanchard, Elizabeth  
Clarke, Claire  
Ehlers, Eileen  
Greco, Vincent  
McMahon, Patricia  
Potter, Frances  
Shurtleff, Stephen  
Webb, Leigh

Bouchard, Candace  
Davis, Frank  
Foose, Robert  
Hamm, Christine  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Wheeler, Deborah

**ROCKINGHAM**

Abbott, Dennis  
Day, Judith  
Henson, John  
Kennedy, James  
McKenna, Daniel  
Robertson, Carl

Borden, David  
Flockhart, Eileen  
Howard, Doreen  
Kepner, Susan  
Moore, Bennett  
Snow, Richard

Brown, C. Pennington  
Gould, Kenneth  
Ingram, Russell  
Marsh, Michael  
Pantelakos, Laura

Casey, Kimberley  
Grote, Otto  
Kelley, Jane  
McCarthy, Linda  
Powers, James

**STRAFFORD**

Berube, Roger  
Browne, Brendon  
Domingo, Baldwin  
Hubbard, Pamela  
Rollo, Michael  
Spang, Judith

Billian, Deborah  
Burke, Rachel  
Fargo, Thomas  
Knowles, William  
Rous, Emma  
Smec, Robert

Brennan, William  
Cyr, James  
Goodwin, Earle  
Miller, Joseph  
Schmidt, Peter  
Wall, Janet

Brown, Larry  
DeChane, Marlene  
Hofemann, Roland  
Perry, Robert  
Smith, Marjorie  
Warren, Nancy

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond  
Skinder, Carla

Converse, Larry  
Gottling, Suzanne

Donovan, Thomas  
Houde, Matthew

Franklin, Peter  
Nielsen, Ellen

**NAYS 139****BELKNAP**

Allen, Janet  
Morrison, Gail  
Tobin, William

Boyce, Laurie  
Nedeau, Stephen  
Wendelboe, Frank

Clark, Charles  
Russell, David  
Whalley, Michael

Flanders, Donald  
Tilton, Franklin

**CARROLL**

Ahlgren, Christopher  
Knox, J. David

Brown, Carolyn  
Morrow, Harry

Denley, William  
Stevens, Stanley

Heard, Virginia

**CHESHIRE**

Emerson, Susan

Hunt, John

Johnson, Jane

**COOS**

Remick, William

Troll, John Jr

**GRAFTON**

Aguiar, James  
Lovett, Sid

Bulis, Lyle  
Williams, Burton

Gionet, Edmond

Ingbretson, Paul

**HILLSBOROUGH**

Barry, Richard  
Clark, Mark  
Drisko, Richard  
Gorman, Mary  
Hansen, Ryan  
Holden, Randolph  
McRae, Karen  
Ober, Lynne  
Reeves, Sandra  
Shaw, Kimberly  
Spaulding, Jayne  
Vaillancourt, Steve

Batula, Peter  
Crane, Elenore Casey  
Elliott, Nancy  
Graham, John  
Hawkins, Ken  
Jasper, Shawn  
Messier, Irene  
Ober, Russell III  
Renzullo, Andrew  
Simon, Anthony  
Stepanek, Stephen  
Velez, Hector

Bergeron, Jean-Guy  
Daniels, Gary  
Emerton, Larry  
Haefner, Robert  
Hinkle, Peyton  
L'Heureux, Robert  
Mooney, Maureen  
Peterson, Andy  
Rowe, Robert  
Smith, David  
Tahir, Saghir  
Villeneuve, Maurice

Christensen, Chris  
Day, Russell  
Gargas, Carolyn  
Hall, Betty  
Hogan, Edith  
Manney, Pamela  
Moran, Edward  
Price, Pamela  
Scannell, David  
Soucy, Connie  
Ulery, Jordan

**MERRIMACK**

Anderson, Eric  
MacKay, James

Humphries, Charlie  
Reed, Dennis

Kidder, David

Lockwood, Priscilla

**ROCKINGHAM**

Bedrick, Jason  
Cali-Pitts, Jacqueline  
Charron, Gene  
Elliott, Robert  
Garcia, Marilinda  
Guthrie, Joseph  
Itse, Daniel  
Lister, Charlotte  
McMahon, Charles  
Priestley, Anne  
Reagan, John  
Stiles, Nancy  
Wickson, Rick

Belanger, Ronald  
Camm, Kevin  
Devine, James  
Emiro, Frank  
Garrity, James  
Headd, James  
Johnson, Robert  
Lund, Howie  
Nord, Susi  
Quandt, Marshall  
Russell, Trinka  
Weare, Everett  
Winchell, George

Bettencourt, David  
Carson, Sharon  
DiFruscia, Anthony  
Fesh, Bob  
Gleason, John  
Hopfgarten, Paul  
Kappler, Lawrence  
Major, Norman  
Nowe, Ronald  
Quandt, Matthew  
Sanders, Elisabeth  
Welch, David

Bishop, Franklin  
Case, Frank  
Dumaine, Dudley  
Flanders, John Sr  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
McEachern, Paul  
Packard, Sherman  
Rausch, James  
Splaine, James  
Weyler, Kenneth

**STRAFFORD**

Brown, Julie  
Watson, Robert

Oppenheimer, Kay

Sprague, Dale

Vachon, Dennis

**SULLIVAN**

Jillette, Arthur Jr

Rodeschin, Beverly

and the Committee of Conference Report was adopted.

**HB 95-L**, relative to the treatment of charter school pupils in the definition of average daily membership in residence. (Report printed SJ 6-27-07)

Rep. Dunn moved that the House adopt the Committee of Conference Report.  
Committee of Conference Report adopted.

**HB 134**, relative to electronic prescribing for prescription drugs. (Report printed SJ 6-27-07)  
Rep. Rosenwald moved that the House adopt the Committee of Conference Report.  
Committee of Conference Report adopted.

**HB 187**, establishing that sheriffs' departments have sole jurisdiction to enforce civil orders. (Report printed SJ 6-27-07)  
Rep. Tholl moved that the House adopt the Committee of Conference Report.  
Committee of Conference Report adopted.

**HB 202**, relative to a point system for automobile dealer and inspection station violations. (Report printed SJ 6-27-07)  
Rep. Ryan moved that the House adopt the Committee of Conference Report.  
Committee of Conference Report adopted.

**HB 229**, relative to licensing requirements for operators of games of chance. (Report printed SJ 6-27-07)  
Rep. Hawkins moved that the House adopt the Committee of Conference Report.  
Reps. Marsh and Jasper spoke against.  
Reps. Butynski and Hawkins spoke in favor.  
Rep. Schmidt requested a roll call; sufficiently seconded.

### YEAS 123 NAYS 209

#### YEAS 123 BELKNAP

None

#### CARROLL

Butler, Edward

Knox, J. David

#### CHESHIRE

Burridge, Delmar  
Espiefs, Peter  
Parkhurst, Henry  
Sad, Tara

Butterworth, Timothy  
Hunt, John  
Plifka, Stanley Jr  
Weber, Lucy

Butynski, William  
Lerandeau, Alfred  
Richardson, Barbara  
Weed, Charles

Eaton, Daniel  
Mitchell, Bonnie  
Roberts, Kris

#### COOS

Merrick, Scott

Theberge, Robert

Thomas, Yvonne

#### GRAFTON

Estes, Carole  
Solomon, Peter

Gionet, Edmond

Laliberte, Suzanne

Matheson, Robert

#### HILLSBOROUGH

Baroody, Benjamin  
Clark, Mark  
Fontas, Jeffrey  
Graham, John  
Holden, Randolph  
Kopka, Angeline  
Levesque, Melanie  
O'Neil, James  
Schulze, Joan  
Sullivan, Daniel  
Winters, Joel

Brunelle, Michael  
Cote, David  
Garrity, Patrick  
Hackel, Paul  
Jean, Claudette  
L'Heureux, Robert  
Lisle, Carolyn  
Ober, Russell III  
Shattuck, Gilman  
Sullivan, Francis

Campbell, David  
Day, Russell  
Goley, Jeffrey  
Hawkins, Ken  
Judy, Jean  
Lasky, Bette  
Manney, Pamela  
Reuschel, Michael  
Shaw, Barbara  
Sysyn, Mary

Christensen, Chris  
Essex, David  
Gorman, Mary  
Hebert, Roger  
Johnson, Stephen  
Levasseur, Nickolas  
Marshall, Seth  
Scannell, David  
Simon, Anthony  
Velez, Hector

#### MERRIMACK

Baxley, Maureen  
Davis, Frank  
Kelly, Sally  
Shurtleff, Stephen  
Wheeler, Deborah

Beauchesne, Suzanne  
DeJoie, John  
Osborne, Jessie  
Tilton, Joy

Bouchard, Candace  
Ehlers, Eileen  
Reardon, Tara  
Walz, Mary

Clarke, Claire  
Greco, Vincent  
Ryan, Jim  
Webb, Leigh

**ROCKINGHAM**

Allen, Mary  
Camm, Kevin  
Kelley, Jane  
Priestley, Anne  
Stiles, Nancy

Baldasaro, Alfred  
DiFruscia, Anthony  
McEachern, Paul  
Quandt, Marshall  
Weare, Everett

Belanger, Ronald  
Elliott, Robert  
McKenna, Daniel  
Quandt, Matthew  
Wickson, Rick

Bettencourt, David  
Guthrie, Joseph  
Nord, Susi  
Robertson, Carl

**STRAFFORD**

Berube, Roger  
Browne, Brendon  
Goodwin, Earle  
Rollo, Michael

Billian, Deborah  
Cyr, James  
Hofemann, Roland  
Sprague, Dale

Brennan, William  
DeChane, Marlene  
Hubbard, Pamela

Brown, Julie  
Domingo, Baldwin  
Miller, Joseph

**SULLIVAN**

Cloutier, John  
Gagnon, Raymond

Converse, Larry  
Houde, Matthew

Donovan, Thomas  
Phinizy, James

Ferland, Brenda

**NAYS 209****BELKNAP**

Allen, Janet  
Flanders, Donald  
Reever, Judith  
Tobin, William

Arsenault, Beth  
Millham, Alida  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Morrison, Gail  
Thomas, John  
Whalley, Michael

Clark, Charles  
Nedeau, Stephen  
Tilton, Franklin  
Wood, Jane

**CARROLL**

Ahlgren, Christopher  
Cunningham, Howard  
Morrow, Harry

Bridgman, Robert  
Denley, William  
Patten, Betsey

Brown, Carolyn  
Heard, Virginia  
Stevens, Stanley

Chandler, Gene  
Martin, James

**CHESHIRE**

Allen, Peter  
Emerson, Susan

Butcher, Suzanne  
Johnson, Jane

Chase, William  
Robertson, Timothy

Dunn, J. Timothy

**COOS**

Hatch, William  
Stohl, Eric

King, Frederick  
Tholl, John Jr

Merrick, Evalyn

Remick, William

**GRAFTON**

Aguiar, James  
Bulis, Lyle  
Harding, A Laurie  
Mulholland, Catherine  
Williams, Burton

Almy, Susan  
Cooney, Mary  
Ingbertson, Paul  
Nordgren, Sharon

Benn, Bernard  
Friedrich, Carol  
Lovett, Sid  
Preston, Philip

Bleyler, Ruth  
Hammond, Lee  
McLeod, Martha  
Sorg, Gregory

**HILLSBOROUGH**

Barry, Richard  
Bergeron, Jean-Guy  
Crane, Elenore Casey  
Drisko, Richard  
Ginsburg, Ruth  
Harvey, Suzanne  
Jasper, Shawn  
Kurk, Neal  
Matarazzo, Anthony Sr  
Moran, Edward  
Peterson, Andy  
Rochette, Eric  
Smith, David  
Spratt, Stephen  
Vaillancourt, Steve

Batula, Peter  
Bergin, Peter  
Daler, Jennifer  
Elliott, Nancy  
Haefner, Robert  
Hinkle, Peyton  
Kaelin, Michael  
Leishman, Peter  
McRae, Karen  
Movsesian, Lori  
Price, Pamela  
Rosenwald, Cindy  
Smith, Sandra  
Stepanek, Stephen  
Villeneuve, Maurice

Beaulieu, Jane  
Chase, Claudia  
Daniels, Gary  
Emerton, Larry  
Hall, Betty  
Hogan, Edith  
Knowles, John  
Long, Patrick  
Messier, Irene  
O'Connell, Timothy  
Reeves, Sandra  
Rowe, Robert  
Soucy, Connie  
Tahir, Saghir

Beck, Catriona  
Cote, Peter  
Dokmo, Cynthia  
Gargasch, Carolyn  
Hammond, Jill  
Irwin, Anne-Marie  
Knowles, Mary Ann  
Mack, Ron  
Mooney, Maureen  
Ober, Lynne  
Renzullo, Andrew  
Shaw, Kimberly  
Spaulding, Jayne  
Ulery, Jordan



**MERRIMACK**

Anderson, Eric	Blanchard, Elizabeth	Brown, Carole	Brueggemann, Donald
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Hess, David	Kidder, David	Kjellman, Eleanor Glynn	Lockwood, Priscilla
MacKay, James	McMahon, Patricia	Owen, Derek	Porter, Margaret
Potter, Frances	Reed, Dennis	Richardson, Gary	Tupper, Frank
Williams, Robert	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Bedrick, Jason	Bishop, Franklin	Borden, David
Brown, C. Pennington	Cali-Pitts, Jacqueline	Carson, Sharon	Case, Frank
Casey, Kimberley	Charron, Gene	Dalrymple, David	Day, Judith
Devine, James	Dumaine, Dudley	Emiro, Frank	Fesh, Bob
Flockhart, Eileen	Garcia, Marilinda	Garrity, James	Gleason, John
Gould, Kenneth	Grote, Otto	Headd, James	Henson, John
Hopfgarten, Paul	Howard, Doreen	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Kappler, Lawrence	Katsakiores, Phyllis
Kennedy, James	Kepner, Susan	Lister, Charlotte	Lund, Howie
Major, Norman	Marsh, Michael	McCarthy, Linda	Moore, Bennett
Nowe, Ronald	Packard, Sherman	Pantelakos, Laura	Powers, James
Rausch, James	Reagan, John	Russell, Trinka	Sanders, Elisabeth
Snow, Richard	Splaine, James	Welch, David	Weyler, Kenneth
Winchell, George			

**STRAFFORD**

Brown, Larry	Burke, Rachel	Fargo, Thomas	Knowles, William
Oppenheimer, Kay	Perry, Robert	Rous, Emma	Schmidt, Peter
Spang, Judith	Vachon, Dennis	Wall, Janet	Warren, Nancy
Watson, Robert			

**SULLIVAN**

Franklin, Peter	Gottling, Suzanne	Jillette, Arthur Jr	Nielsen, Ellen
Rodeschin, Beverly	Skinder, Carla		

and the Committee of Conference Report failed.

**HB 261**, prohibiting the Carroll County attorney from engaging in the private practice of law. (Report printed SJ 6-27-07)

Rep. Patten moved that the House adopt the Committee of Conference Report. Committee of Conference Report adopted.

**HB 293**, allowing municipalities to establish agricultural commissions. (Report printed SJ 6-27-07)

Rep. Theberge moved that the House adopt the Committee of Conference Report. Committee of Conference Report adopted.

**HB 306**, establishing a task force on work and family. (Report printed SJ 6-27-07)

Rep. John Knowles moved that the House adopt the Committee of Conference Report.

On a division vote, 190 members having voted in the affirmative and 91 in the negative, the Committee of Conference Report adopted.

**HB 365**, establishing a commission to study foreclosures of home mortgages and the foreclosure rescue scam industry. (Report printed SJ 6-27-07)

Rep. Reardon moved that the House adopt the Committee of Conference Report. Committee of Conference Report adopted.

**HB 377-FN-L**, relative to the right-to-know law. (Report printed SJ 6-27-07)

Rep. Shurtleff moved that the House adopt the Committee of Conference Report. Committee of Conference Report adopted.

**(Speaker Norelli in the Chair)****COMMITTEE OF CONFERENCE REPORT ON HOUSE BILLS (CONT'D)**

**HB 429**, relative to nominations by multiple parties. (Report printed SJ 6-27-07)

Rep. Weed moved that the House adopt the Committee of Conference Report.

Reps. McEachern, Hall and Winchell spoke against.

Rep. Weed spoke in favor and yielded to questions.

Rep. Weed requested a roll call; sufficiently seconded.

**YEAS 143 NAYS 186****YEAS 143****BELKNAP**

Arsenault, Beth	Morrison, Gail	Reever, Judith	Tilton, Franklin
Whalley, Michael	Wood, Jane		

**CARROLL**

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Denley, William			

**CHESHIRE**

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Chase, William
Dunn, J. Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Richardson, Barbara	Robertson, Timothy	Sad, Tara	Weber, Lucy
Weed, Charles			

**COOS**

Hatch, William	Merrick, Evalyn
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**GRAFTON**

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Estes, Carole	Friedrich, Carol	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sorg, Gregory			

**HILLSBOROUGH**

Baroody, Benjamin	Beaulieu, Jane	Brunelle, Michael	Campbell, David
Chase, Claudia	Cote, David	Essex, David	Foster, Linda
Garrity, Patrick	Hackel, Paul	Hammond, Jill	Harvey, Suzanne
Hebert, Roger	Irwin, Anne-Marie	Jasper, Shawn	Jeudy, Jean
Kaelin, Michael	Knowles, John	Knowles, Mary Ann	Kopka, Angeline
Lasky, Bette	Leishman, Peter	Levasseur, Nickolas	Levesque, Melanie
Lisle, Carolyn	Long, Patrick	Mack, Ron	Messier, Irene
Mooney, Maureen	Movsesian, Lori	O'Neil, James	Price, Pamela
Renzullo, Andrew	Reuschel, Michael	Rosenwald, Cindy	Schulze, Joan
Smith, Sandra	Spratt, Stephen	Stepanek, Stephen	Sullivan, Daniel
Vaillancourt, Steve			

**MERRIMACK**

Blanchard, Elizabeth	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	Ehlers, Eileen	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Kelly, Sally	Lockwood, Priscilla
MacKay, James	Potter, Frances	Reardon, Tara	Richardson, Gary
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary	Walz, Mary	Webb, Leigh	

**ROCKINGHAM**

Abbott, Dennis	Borden, David	Casey, Kimberley	Dumaine, Dudley
Flockhart, Eileen	Garcia, Marilinda	Henson, John	Howard, Doreen
Introne, Robert	Itse, Daniel	Kelley, Jane	Kepner, Susan
Marsh, Michael	McCarthy, Linda	McKenna, Daniel	Nord, Susi
Powers, James			

**STRAFFORD**

Billian, Deborah  
Hofemann, Roland  
Perry, Robert  
Smith, Marjorie  
Warren, Nancy

Brown, Larry  
Knowles, William  
Rollo, Michael  
Spang, Judith  
Watson, Robert

Cyr, James  
Miller, Joseph  
Rous, Emma  
Vachon, Dennis

DeChane, Marlene  
Oppenheimer, Kay  
Schmidt, Peter  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Nielsen, Ellen

Franklin, Peter

Gottling, Suzanne

Houde, Matthew

**NAYS 186****BELKNAP**

Allen, Janet  
Millham, Alida  
Tobin, William

Boyce, Laurie  
Nedeau, Stephen  
Wendelboe, Fran

Clark, Charles  
Russell, David

Flanders, Donald  
Thomas, John

**CARROLL**

Brown, Carolyn  
Knox, J. David  
Stevens, Stanley

Chandler, Gene  
Martin, James

Cunningham, Howard  
Merrow, Harry

Heard, Virginia  
Patten, Betsey

**CHESHIRE**

Allen, Peter  
Johnson, Jane  
Roberts, Kris

Butynski, William  
Lerandeau, Alfred

Emerson, Susan  
Parkhurst, Henry

Hunt, John  
Plifka, Stanley Jr

**COOS**

King, Frederick  
Tholl, John Jr

Merrick, Scott  
Thomas, Yvonne

Remick, William

Stohl, Eric

**GRAFTON**

Bulis, Lyle  
Lovett, Sid  
Williams, Burton

Gionet, Edmond  
Matheson, Robert

Ingbreton, Paul  
Preston, Philip

Liberte, Suzanne  
Solomon, Peter

**HILLSBOROUGH**

Barry, Richard  
Bergin, Peter  
Day, Russell  
Elliott, Nancy  
Ginsburg, Ruth  
Hall, Betty  
Holden, Randolph  
Manney, Pamela  
Moran, Edward  
Peterson, Andy  
Shattuck, Gilman  
Smith, David  
Sysyn, Mary  
Winters, Joel

Batula, Peter  
Clark, Mark  
Dokmo, Cynthia  
Emerton, Larry  
Goley, Jeffrey  
Hawkins, Ken  
Johnson, Stephen  
Marshall, Seth  
O'Connell, Timothy  
Reeves, Sandra  
Shaw, Barbara  
Soucy, Connie  
Tahir, Saghir

Beck, Catriona  
Daler, Jennifer  
Drisko, Richard  
Fontas, Jeffrey  
Graham, John  
Hinkle, Peyton  
Kurk, Neal  
Matarazzo, Anthony Sr  
Ober, Lynne  
Rowe, Robert  
Shaw, Kimberly  
Spaulding, Jayne  
Ulery, Jordan

Bergeron, Jean-Guy  
Daniels, Gary  
Edwards, Andrew  
Gargas, Carolyn  
Haefner, Robert  
Hogan, Edith  
L'Heureux, Robert  
McRae, Karen  
Ober, Russell III  
Scannell, David  
Simon, Anthony  
Sullivan, Francis  
Villeneuve, Maurice

**MERRIMACK**

Anderson, Eric  
Brown, Carole  
Humphries, Charlie  
Osborne, Jessie  
Wheeler, Deborah

Baxley, Maureen  
Hager, Elizabeth  
Kidder, David  
Owen, Derek  
Williams, Robert

Beauchesne, Suzanne  
Hamm, Christine  
Kjellman, Eleanor Glynn  
Porter, Margaret  
Yeaton, Charles

Bouchard, Candace  
Hess, David  
McMahon, Patricia  
Reed, Dennis

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Bishop, Franklin	Brown, C. Pennington	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Case, Frank	Charron, Gene	Dalrymple, David
Day, Judith	Devine, James	DiFruscia, Anthony	Elliott, Robert
Emiro, Frank	Fesh, Bob	Garrity, James	Gleason, John
Gould, Kenneth	Griffin, Mary	Guthrie, Joseph	Headd, James
Hopfgarten, Paul	Ingram, Russell	Johnson, Robert	Kappler, Lawrence
Katsakiores, Phyllis	Kennedy, James	Lister, Charlotte	Lund, Howie
Major, Norman	McEachern, Paul	McMahon, Charles	Moore, Bennett
Nowe, Ronald	Packard, Sherman	Priestley, Anne	Quandt, Marshall
Quandt, Matthew	Rausch, James	Reagan, John	Robertson, Carl
Russell, Trinka	Sanders, Elisabeth	Snow, Richard	Splaine, James
Stiles, Nancy	Weare, Everett	Welch, David	Weyler, Kenneth
Wickson, Rick	Winchell, George		

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, Julie	Browne, Brendon
Burke, Rachel	Domingo, Baldwin	Fargo, Thomas	Goodwin, Earle
Sprague, Dale			

**SULLIVAN**

Converse, Larry	Donovan, Thomas	Ferland, Brenda	Gagnon, Raymond
Jillette, Arthur Jr	Phinizy, James	Rodeschin, Beverly	Skinder, Carla

and the Committee of Conference Report failed.  
Rep. Harvey voted Yea and intended to vote Nay.

**HB 488-FN-A-L**, relative to the state chief medical examiner and medico-legal death investigations and making an appropriation to the department of justice for autopsy costs. (Report printed SJ 6-27-07)

Rep. Franklin moved that the House adopt the Committee of Conference Report.  
Committee of Conference Report adopted.

**HB 498-FN-A**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department. (Report printed SJ 6-27-07)

Rep. Bouchard moved that the House adopt the Committee of Conference Report.  
Reps. Benn, Tupper and Kurk spoke in favor.  
Committee of Conference Report adopted.

**MOTION TO PRINT DEBATE**

Rep. Phinizy moved that the debate on **HB 498-FN-A**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department, be printed in the Permanent Journal.  
Adopted.

**DEBATE ON HB 498**

Reps. Benn, Tupper and Kurk sang the following to the tune of *Red River Valley*.  
From this House bill we say flows a story  
It began life to help Fish and Game  
But the Senate had altered its purpose  
By invading the plate fund – a shame.

Come and sit by our side as we tell you  
Of our angst and our woe at their game  
Just remember your conferees' promise  
To defend our dear House, not defame.

We said "no" to their way out proposals  
We would hear of no compromise pill  
We stood firm on the House's position  
And were poised to go in for the kill.

Come and sit by our side as we tell you  
Of our angst and our woe at their game  
Just remember your conferees' promise  
To defend our dear House, not defame.

They had added a new date for LCHIP  
And they said they would use plate fund cash  
To augment highway monies they needed  
So the twenty-eight year plan won't crash.

Come and sit by our side as we tell you  
Of our angst and our woe at their game  
Just remember your conferees' promise  
To defend our dear House, not defame.

### COMMITTEE OF CONFERENCE REPORT ON HOUSE BILLS (CONT'D)

**HB 533**, relative to Occupational Safety and Health Administration certification requirements for state contracts. (Report printed SJ 6-27-07)

Rep. Sally Kelly moved that the House adopt the Committee of Conference Report.

Rep. Holden spoke against and yielded to questions.

Rep. Sally Kelly spoke in favor.

On a division vote, 170 members having voted in the affirmative and 139 in the negative, the Committee of Conference Report was adopted.

**HB 653**, relative to the determination of benefits, funding, and administration of the New Hampshire retirement system. (Report printed SJ 6-27-07)

Rep. Irwin moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

Reps. Robert Johnson and John Thomas declared a conflict of interest on **HB 653** and did not participate.

**HB 659-FN**, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements. (Report printed SJ 6-27-07)

Rep. Jennifer Brown moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

**HB 723**, extending the moratoriums on nursing home beds and rehabilitation. (Report printed SJ 6-27-07)

Rep. Rosenwald moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

**HB 735**, relative to the form of the presidential primary election ballot. (Report printed SJ 6-27-07)

Rep. Weed moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

**HB 767**, relative to insurance for volunteer drivers. (Report printed SJ 6-27-07)

Rep. Reardon moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

**HB 796**, relative to civil liability for damaging highway protective barriers. (Report printed SJ 6-27-07)

Rep. Cloutier moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

**HB 828-FN**, relative to a state ethics officer. (Report printed SJ 6-27-07)

Rep. Harding moved that the House adopt the Committee of Conference Report.

Rep. Splaine spoke in favor.

Committee of Conference Report adopted.

**HB 876-FN-L**, establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system. (Report printed SJ 6-27-07)

Rep. Irwin moved that the House adopt the Committee of Conference Report.

Committee of Conference Report adopted.

**HB 882-FN**, relative to limitations on tort liability of government units. (Report printed SJ 6-27-07)  
 Rep. Lasky moved that the House adopt the Committee of Conference Report.  
 Rep. Nancy Elliott spoke against.  
 Rep. DiFruscia spoke in favor.  
 Rep. Sorg spoke in favor and yielded to questions.  
 Rep. Nancy Elliott requested a roll call; sufficiently seconded.

**YEAS 189 NAYS 131****YEAS 189****BELKNAP**

Arsenault, Beth	Morrison, Gail	Reever, Judith	Wood, Jane
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**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
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**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Lerandean, Alfred	Mitchell, Bonnie	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weber, Lucy
Weed, Charles			

**COOS**

Hatch, William	Merrick, Evalyn	Merrick, Scott	Remick, William
Stohl, Eric	Thomas, Yvonne		

**GRAFTON**

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Estes, Carole	Friedrich, Carol	Hammond, Lee
Harding, A Laurie	Laliberte, Suzanne	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Preston, Philip
Solomon, Peter	Sorg, Gregory		

**HILLSBOROUGH**

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Brunelle, Michael
Campbell, David	Chase, Claudia	Cote, David	Crane, Elenore Casey
Daler, Jennifer	Edwards, Andrew	Fontas, Jeffrey	Foster, Linda
Gargasch, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Gorman, Mary
Hackel, Paul	Hall, Betty	Hammond, Jill	Harvey, Suzanne
Hebert, Roger	Irwin, Anne-Marie	Jeady, Jean	Johnson, Stephen
Kaelin, Michael	Knowles, John	Knowles, Mary Ann	Kopka, Angeline
Lasky, Bette	Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn
Long, Patrick	Mack, Ron	Marshall, Seth	Movsesian, Lori
O'Neil, James	Reuschel, Michael	Rosenwald, Cindy	Scannell, David
Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly	Spratt, Stephen
Sullivan, Daniel	Sullivan, Francis	Sysyn, Mary	Winters, Joel

**MERRIMACK**

Baxley, Maureen	Beauchesne, Suzanne	Blanchard, Elizabeth	Bouchard, Candace
Brown, Carole	Brueggemann, Donald	Clarke, Claire	Davis, Frank
DeJoie, John	Ehlers, Eileen	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Kelly, Sally	Kjellman, Eleanor Glynn	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Porter, Margaret	Potter, Frances	Reardon, Tara
Richardson, Gary	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary	Walz, Mary	Wheeler, Deborah
Williams, Robert	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Bishop, Franklin	Brown, C. Pennington	Cali-Pitts, Jacqueline
Case, Frank	Casey, Kimberley	Charron, Gene	Day, Judith
DiFruscia, Anthony	Flockhart, Eileen	Garcia, Marilinda	Henson, John
Howard, Doreen	Kelley, Jane	Kennedy, James	Kepner, Susan
Marsh, Michael	McCarthy, Linda	McEachern, Paul	McKenna, Daniel
Moore, Bennett	Nord, Susi	Powers, James	Robertson, Carl
Russell, Trinkia	Snow, Richard	Splaine, James	

**STRAFFORD**

Berube, Roger	Billian, Deborah	Brennan, William	Brown, Julie
Brown, Larry	Browne, Brendon	Burke, Rachel	Cyr, James
DeChane, Marlene	Hofemann, Roland	Miller, Joseph	Perry, Robert
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Sprague, Dale	Vachon, Dennis	Wall, Janet

**SULLIVAN**

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gagnon, Raymond	Gottling, Suzanne	Houde, Matthew
Nielsen, Ellen	Phinizy, James	Skinder, Carla	

**NAYS 131****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Russell, David	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	

**CARROLL**

Brown, Carolyn	Chandler, Gene	Denley, William	Heard, Virginia
Knox, J. David	Martin, James	Morrow, Harry	Patten, Betsey
Stevens, Stanley			

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane	Parkhurst, Henry
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**COOS**

King, Frederick	Theberge, Robert	Tholl, John Jr
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**GRAFTON**

Bulis, Lyle	Gionet, Edmond	Williams, Burton
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**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Christensen, Chris	Clark, Mark	Daniels, Gary	Day, Russell
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Graham, John	Haefner, Robert	Hawkins, Ken	Hinkle, Peyton
Hogan, Edith	Holden, Randolph	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Leishman, Peter	Manney, Pamela	McRae, Karen
Messier, Irene	Mooney, Maureen	Moran, Edward	O'Connell, Timothy
Ober, Lynne	Ober, Russell III	Peterson, Andy	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Shaw, Barbara
Simon, Anthony	Smith, David	Soucy, Connie	Stepanek, Stephen
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	

**MERRIMACK**

Anderson, Eric	Hess, David	Humphries, Charlie	Kidder, David
Lockwood, Priscilla	MacKay, James	Reed, Dennis	Webb, Leigh

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Camm, Kevin	Carson, Sharon	Dalrymple, David	Devine, James
Dumaine, Dudley	Elliott, Robert	Emiro, Frank	Fesh, Bob
Garrity, James	Gleason, John	Gould, Kenneth	Griffin, Mary
Guthrie, Joseph	Headd, James	Hopfgarten, Paul	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Kappler, Lawrence
Katsakiores, Phyllis	Lister, Charlotte	Lund, Howie	Major, Norman
McMahon, Charles	Nowe, Ronald	Packard, Sherman	Priestley, Anne
Quandt, Marshall	Quandt, Matthew	Rausch, James	Reagan, John
Sanders, Elisabeth	Stiles, Nancy	Weare, Everett	Welch, David
Weyler, Kenneth	Wickson, Rick	Winchell, George	

**STRAFFORD**

Domingo, Baldwin	Fargo, Thomas	Knowles, William	Oppenheimer, Kay
Watson, Robert			

**SULLIVAN**

Jillette, Arthur Jr                      Rodeschin, Beverly  
and the Committee of Conference Report was adopted.

**HB 903-FN**, prohibiting delivery of oil to non-compliant underground storage facilities. (Report printed SJ 6-27-07)

Rep. Spang moved that the House adopt the Committee of Conference Report.  
Committee of Conference Report adopted.

**HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education. (Report printed SJ 6-27-07)

Rep. Rous moved that the House adopt the Committee of Conference Report.  
Rep. Hess spoke against and yielded to questions.

Rep. Rous spoke in favor and yielded to questions.

Rep. Daniel Eaton requested a roll call; sufficiently seconded.

**YEAS 205 NAYS 115****YEAS 205  
BELKNAP**

Arsenault, Beth	Millham, Alida	Morrison, Gail	Reever, Judith
Wood, Jane			

**CARROLL**

Bridgham, Robert	Buco, Thomas	Butler, Edward	Cunningham, Howard
Heard, Virginia	Knox, J. David		

**CHESHIRE**

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Chase, William	Dunn, J. Timothy	Eaton, Daniel
Espiefs, Peter	Lerandeau, Alfred	Mitchell, Bonnie	Parkhurst, Henry
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

**COOS**

Hatch, William	Merrick, Evalyn	Merrick, Scott	Theberge, Robert
Thomas, Yvonne			

**GRAFTON**

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Estes, Carole	Friedrich, Carol	Hammond, Lee
Harding, A Laurie	Laliberte, Suzanne	Lovett, Sid	Matheson, Robert
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Preston, Philip
Solomon, Peter	Williams, Burton		



**HILLSBOROUGH**

Baroody, Benjamin  
 Brunelle, Michael  
 Daler, Jennifer  
 Foster, Linda  
 Gorman, Mary  
 Harvey, Suzanne  
 Jeudy, Jean  
 Knowles, Mary Ann  
 Levasseur, Nickolas  
 Mack, Ron  
 O'Connell, Timothy  
 Scannell, David  
 Shaw, Kimberly  
 Sullivan, Francis

Beaulieu, Jane  
 Campbell, David  
 Drisko, Richard  
 Gargas, Carolyn  
 Hackel, Paul  
 Hebert, Roger  
 Johnson, Stephen  
 Kopka, Angeline  
 Levesque, Melanie  
 Marshall, Seth  
 O'Neil, James  
 Schulze, Joan  
 Simon, Anthony  
 Sysyn, Mary

Beck, Catriona  
 Chase, Claudia  
 Edwards, Andrew  
 Garrity, Patrick  
 Hall, Betty  
 Holden, Randolph  
 Kaelin, Michael  
 Lasky, Bette  
 Lisle, Carolyn  
 Messier, Irene  
 Reuschel, Michael  
 Shattuck, Gilman  
 Spratt, Stephen

Bergin, Peter  
 Cote, David  
 Fontas, Jeffrey  
 Ginsburg, Ruth  
 Hammond, Jill  
 Irwin, Anne-Marie  
 Knowles, John  
 Leishman, Peter  
 Long, Patrick  
 Movsesian, Lori  
 Rosenwald, Cindy  
 Shaw, Barbara  
 Sullivan, Daniel

**MERRIMACK**

Baxley, Maureen  
 Brown, Carole  
 DeJoie, John  
 Gile, Mary  
 Kidder, David  
 Osborne, Jessie  
 Reardon, Tara  
 Tilton, Joy  
 Webb, Leigh

Beauchesne, Suzanne  
 Brueggemann, Donald  
 Ehlers, Eileen  
 Greco, Vincent  
 Kjellman, Eleanor Glynn  
 Owen, Derek  
 Richardson, Gary  
 Tupper, Frank  
 Wheeler, Deborah

Blanchard, Elizabeth  
 Clarke, Claire  
 Foose, Robert  
 Hamm, Christine  
 Lockwood, Priscilla  
 Porter, Margaret  
 Ryan, Jim  
 Wallner, Mary  
 Williams, Robert

Bouchard, Candace  
 Davis, Frank  
 French, Barbara  
 Kelly, Sally  
 McMahon, Patricia  
 Potter, Frances  
 Shurtleff, Stephen  
 Walz, Mary  
 Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
 Day, Judith  
 Henson, John  
 Kepner, Susan  
 McEachern, Paul  
 Powers, James  
 Splaine, James

Brown, C. Pennington  
 DiFruscia, Anthony  
 Howard, Doreen  
 Lister, Charlotte  
 McKenna, Daniel  
 Robertson, Carl  
 Stiles, Nancy

Cali-Pitts, Jacqueline  
 Flockhart, Eileen  
 Kelley, Jane  
 Marsh, Michael  
 Moore, Bennett  
 Russell, Trinkia

Casey, Kimberley  
 Gould, Kenneth  
 Kennedy, James  
 McCarthy, Linda  
 Nord, Susi  
 Snow, Richard

**STRAFFORD**

Berube, Roger  
 Brown, Larry  
 DeChane, Marlene  
 Knowles, William  
 Rollo, Michael  
 Spang, Judith  
 Watson, Robert

Billian, Deborah  
 Browne, Brendon  
 Domingo, Baldwin  
 Miller, Joseph  
 Rous, Emma  
 Sprague, Dale

Brennan, William  
 Burke, Rachel  
 Fargo, Thomas  
 Oppenheimer, Kay  
 Schmidt, Peter  
 Vachon, Dennis

Brown, Julie  
 Cyr, James  
 Hofemann, Roland  
 Perry, Robert  
 Smith, Marjorie  
 Wall, Janet

**SULLIVAN**

Cloutier, John  
 Franklin, Peter  
 Jillette, Arthur Jr

Converse, Larry  
 Gagnon, Raymond  
 Nielsen, Ellen

Donovan, Thomas  
 Gottling, Suzanne  
 Phiniza, James

Ferland, Brenda  
 Houde, Matthew  
 Skinder, Carla

**NAYS 115****BELKNAP**

Allen, Janet  
 Nedeau, Stephen  
 Wendelboe, Fran

Boyce, Laurie  
 Russell, David  
 Whalley, Michael

Clark, Charles  
 Tilton, Franklin

Flanders, Donald  
 Tobin, William

**CARROLL**

Brown, Carolyn  
 Merrow, Harry

Chandler, Gene  
 Patten, Betsey

Denley, William  
 Stevens, Stanley

Martin, James

**CHESHIRE**

Emerson, Susan	Hunt, John	Johnson, Jane
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**COOS**

King, Frederick	Remick, William	Stohl, Eric	Tholl, John Jr
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**GRAFTON**

Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul	Sorg, Gregory
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**HILLSBOROUGH**

Barry, Richard	Batula, Peter	Bergeron, Jean-Guy	Christensen, Chris
Clark, Mark	Crane, Elenore Casey	Daniels, Gary	Day, Russell
Dokmo, Cynthia	Elliott, Nancy	Emerton, Larry	Graham, John
Haefner, Robert	Hawkins, Ken	Hinkle, Peyton	Hogan, Edith
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Manney, Pamela
McRae, Karen	Mooney, Maureen	Moran, Edward	Ober, Lynne
Ober, Russell III	Peterson, Andy	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Smith, David	Soucy, Connie
Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Winters, Joel			

**MERRIMACK**

Anderson, Eric	Hess, David	Humphries, Charlie	MacKay, James
Reed, Dennis			

**ROCKINGHAM**

Allen, Mary	Baldasaro, Alfred	Bedrick, Jason	Bettencourt, David
Bishop, Franklin	Camm, Kevin	Carson, Sharon	Case, Frank
Charron, Gene	Dalrymple, David	Devine, James	Dumaine, Dudley
Elliott, Robert	Emiro, Frank	Fesh, Bob	Garcia, Marilinda
Garrity, James	Gleason, John	Griffin, Mary	Guthrie, Joseph
Headd, James	Hopfgarten, Paul	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Kappler, Lawrence	Katsakiores, Phyllis
Lund, Howie	Major, Norman	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Priestley, Anne	Quandt, Marshall	Quandt, Matthew
Rausch, James	Reagan, John	Sanders, Elisabeth	Weare, Everett
Welch, David	Weyler, Kenneth	Wickson, Rick	Winchell, George

**STRAFFORD**

None

**SULLIVAN**

Rodeschin, Beverly  
and the Committee of Conference Report was adopted.

**MOTION TO PRINT DEBATE**

Rep. Dokmo moved that the debate on **HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education be printed in the Permanent Journal.  
Adopted.

**DEBATE ON HB 927-FN**

**Rep. Hess:** Thank you, Madam Speaker. Well, fellow Members, here we are again. The last bill of the last session day going down towards an artificially established trip wire that, according to the five wizards across the river on the hill, will occur in less than 80 hours if we don't do something. I say here we are again because, for those of you who were here in 1999, you know exactly what we are facing. In 1999, the same group of wizards told us we had to come up with an education funding plan by March 31<sup>st</sup> or be in violation. Well, guess what? We missed that deadline in 1999 and we didn't adopt an education funding program until April 30<sup>th</sup> after the coach had turned to a

pumpkin. There is no reason to believe that the....and the court, by the way, did nothing because of that 30 day hiatus. There is no reason to believe circumstances have changed on that issue at the present time. This bill, Madam Speaker, may be the most important bill we take up today. Not because it carries, I hope not, a price tag of \$5 billion a year like our budget, but because it may be the cornerstone for educational policy in this state for many, many years, not just the next biennium. So the last, in this sense, shall be first. What exactly are we being asked to adopt in this Committee of Conference Report? To my friends on my left, I suggest that if you voted against HB 927 in March, you have four very significant additional reasons to vote against it today. To my friends on my right, I suggest that if you voted for it in April, you have four very significant reasons to reconsider your vote, reevaluate it and change it. What are those factors? Well, first of all, as you will recall, in April we adopted a definition of adequacy that for the first time in 8 years included a reference to kindergarten, but at least we specified that it was to be a half-day of kindergarten. The Committee of Conference has voted to remove the words "half-day" so now we are incorporating kindergarten into the definition of adequacy. When this Member suggested to the head of the Senate delegation that this was merely a subterfuge to in effect enact full-day kindergarten, I was told that was not in fact the case at all and that the Senate did not intend to change the intent of the House version. No one on the Committee of Conference disagreed with that representation so I am going to assume that that reflects the intent of the Committee of Conference and therefore the intent of the legislation that is before us. Again, let me ask you, what exactly are we doing with kindergarten? Let me read to you what the minimum standards say about kindergarten. "Every district shall strive to offer at least a half-day kindergarten program." There is no mandate in the minimum standards for any kindergarten program. So what are we doing? In the bill before you it sets forth nine subject matter areas that are part of the definition of adequacy and then simply states and I quote, "The standards shall cover kindergarten through twelfth grade." So what are we doing? We are adopting, if we enact this bill, a kindergarten program. A kindergarten program of unknown impact because kindergarten is not a required grade in our statutes or in our rules. The four legally trained people who participated in the Committee of Conference discussions all agreed that deleting the word "half-day" from kindergarten creates an inherent ambiguity. Guess what, my friends? Ambiguity leads to law suits. Law suits lead to uncertain, undefined, unanticipated, unpredictable consequences. If those wizards should decide that we did indeed enact a full-day kindergarten and we are obligated to pay for it, under their past decisions, we could be facing a price tag far in excess of \$20 million and perhaps as much as \$100 million or more. I say that based, in part, upon an article that appeared in the March 31<sup>st</sup> issue of the Manchester Union Leader in which the superintendents of schools in Salem and Derry, two towns that do not have any kindergarten right now, projected the cost to start up of at least \$15 million. This is start up only for their programs alone. If kindergarten is a part of adequacy, my friends, the state, under the Supreme Court decisions, has to pay all of it. Number two: In the legislation that the House passed, the nature and effect of adopting what we were doing was stated very unclearly, and I read, "The General Court establishes within the school approval standards the essential opportunities for educational programs in the following areas." What does that mean? Well, there is disagreement within the Committee of Conference as to the interpretation of that phrase and I know there is disagreement on the House floor and among Members of the House about the interpretation of that phrase. What did we do? What did the Committee of Conference do? The Committee of Conference amended that language and inserted this language in two other places to state, and I quote, "The specific criteria and substantive educational program that delivers the opportunity for an adequate education shall be defined and identified as the school approval standards in the following areas." That, my friends, is crystal clear. What is it clear about? It is about this book. This book is a set of 65 pages of administrative rules that were adopted by unelected, unaccountable bureaucrats within the Department of Education. The provision in this bill that incorporates some of these rules adopts 30 of those 65 pages. Ladies and gentlemen, 45 percent of these rules are going to be written into statute with a wave of the hand. In total, word for word, without any changes whatsoever from what the bureaucrats have written into the rules. Do you want to adopt legislation in that fashion? Incorporation by reference, without a change in comma, without any significant discussion about what these different rules mean and how much they are going to cost? I would hope that you wouldn't. I certainly won't. So here we have an adoption of 60 pages of administrative rules, word for word, without discussing the substantive content of those rules. The third reason why this Committee of Conference report significantly expands over what was passed

by this House is the inclusion of a reference to a new category of education entity, "Schools with enhanced needs." Where did the phrase come from? The idea came from the Senate version. That phrase is not in any statute. That phrase is not in any administrative rule promulgated by the Department of Education. If fact, it exists nowhere in the area of education law or regulations or actions in the State of New Hampshire, yet we are adopting that phrase and then empowering a costing study committee, a legislative costing study committee, to come up with criteria to implement that phrase. Not now, as we are ready to vote on this, but in 9 months in February of 2008. We know not what it is. We know not how much it costs. We know not what is going to be required. We are being asked to adopt it. Now there is one saving grace, however. Schools with enhanced needs are not part of the definition of adequacy in HB 927. It is outside. It is above and beyond the definition of adequacy, for now. There is nothing that says it can't and won't be incorporated in the future. Fourth, this legislation creates a legislative study committee to study and report out on the cost of providing an adequate education by February 1<sup>st</sup> of 2008. What is interesting about this committee is two-fold. Number one, the committee, by being a standing committee, and reporting out requires the prestige and status having studied something and therefore has the aura of superiority that may be introduced. In that process, it abrogates, to a significant extent, the jurisdiction, the obligations and responsibilities of the two standing Education Committees because the product of this committee is going to fast forward through this House, I predict, in February. The second thing about this legislative committee is membership and composition. For those of you who have been here for a few years, you will know that the difference between a legislative committee and a commission is the fact that a legislative committee consist only of legislators, Senators and Representatives and no one else, whereas a commission includes members of the public, etc. This legislative study committee contains a member who is outside of the Senate and outside of the House. As the Chairman of the Finance Committee has so frequently stated, "Were we to pass an education amendment to the constitution, he or she would only have a vote in the adoption of that amendment." I am referring to the Governor. This law, this bill specifically states that the Governor or his designee would be an ex-officio member of this committee. I have never in 16 years seen such a designation. Isn't there something in this state called the separation of powers? If there is, should the Governor be sitting on a "legislative committee" establishing reported legislative policy? I think not. The suggestion was made to me that as an ex-officio member he only gets to discuss the issue and does not get to participate in the decision. I suggest to you that that is far from settling both in language and in tradition. The word ex-officio, according to Merriam Webster dictionary and also Black's law dictionary simply says "by virtue of one's position." In other words, the Vice President of the United States, according to Merriam Webster's dictionary, is an ex-officio member of the Senate of the United States because he is Vice President. Guess what? The President of the Senate, the Vice President of the United States, has a vote in the Senate of the United States limited only by the Senate rules which restrict that vote to ties. Another situation that I am more familiar with here in New Hampshire deals with the Governor sitting as an ex-officio member of the Board of Trustees of Dartmouth College. I am not sure that anyone since Walter Peterson, Governor Walter Peterson, ever exercised that power and actually went to Hanover and sat in on some Board Meetings, etc., but if I remember correctly, he, the Governor of the State of New Hampshire, is not limited or restricted to just sitting there or even debating, but can have and does exercise a full right to vote. Are we giving the Governor a vote, 9% of the power to decide what we are going to consider next year by this legislation without even thinking of it. Lastly, I want to mention one final thing. In the bill that we passed in the House, the law became effective upon passage. That too has been changed in this legislation. Yes, the language "This bill shall become effective upon passage" still exists in the line at the end of the bill, but when it discusses the specific parts of adequate education which are the 30 pages in this bill, it says that will occur beginning in the school year 2008-2009 and a provision in the costing committee specifies that one of their assigned tasks is to figure out how to transition towns which have no kindergarten so that they will be up to speed over a transition period. Now, my friends, early in this game we had a phase in legislation to phase in certain tax provisions and guess what the wizards said? You can phase in desegregation, 1954, but you can't phase in adequate education. So how are we going to survive a transition that is expressly stated in the bill? I would suggest with very great difficulty despite the fact that we obviously recognize in the bill that this is a major step. Much more major than the step that we took when the House passed the bill. So let

me conclude by saying, if you didn't like HB 927 the way we passed it in April, you are not going to like this bill one bit. If you were on the edge about HB 927 as the House passed it in April, but at the last minute said, "Let's pass it on to the Senate, see what develops and comes back," I don't think you're going to like this bill anymore either. I would ask you to look at the faults of the bill, exercise your conscience and press the red button. Thank you.

**Speaker:** Will the member yield to a question? The member yields, Rep. Itse, you may inquire.

**Rep. Itse:** Thank you, Madam Speaker. Thank you, Representative for taking my question. I was taking the time to peruse my constitution and it provides two instances in which the Governor can intervene in the actions of the House. One is to veto a bill and the other is to prorogue or adjourn the Legislature. Would you agree that allowing the Governor to sit on a legislative committee is an improper commingling of powers and therefore unconstitutional?

**Rep. Hess:** As I said before, Honorable Member, I think it flouts the concept embodied in our constitution in numerous provisions for the separation of powers and is indeed contrary to it.

**Speaker:** The question before the House is on the adoption of the Committee of Conference Report on HB 927. A roll call has been requested and this is the last speaker of the last Committee of Conference Report for the day. I would ask Members to start to take their seats. The Chair recognizes the Member from Durham, Representative Rous.

**Rep. Rous:** So, last but not least, the vote that we have all been waiting for. Ever since the court decision, the Londonderry court decision of September, we have known that we have been working toward this July 1<sup>st</sup> deadline. Guess what? July 1<sup>st</sup> is Sunday and we, I would say to you, ladies and gentlemen, are ready for that deadline. I believe that the bill before you is not only as good as the one we supported overwhelmingly when it left the House, but better. This bill affirms the legislature's commitment to define the opportunity for a constitutionally adequate public education for every child in New Hampshire, building on the aspirational definition in RSA 193 E:2. A definition worked on by previous legislatures and with input from the public, educators and government officials, this definition responds to the Londonderry decision's demand for specificity, comprehensibility, cost ability and accountability. The definition is very close to the definition that left the House with a wide margin of support but with some additions and subtractions. It maintains that focus.

**Speaker:** Will the member please suspend? I know that I asked Members to take their seats. I would ask you to do that quietly. The Member has a right to be heard.

**Rep. Rous:** Thank you, Madam Speaker and thank you for your attention. The definition maintains the focus on instruction and the standards related to nine areas of instruction as offering the opportunity for a constitutionally adequate education. It acknowledges the need for a range of services, educational supports and instruction resources, but removes mention of specific resources. It refers to kindergarten without mentioning "half-day" leaving open the opportunity for full-day kindergarten and I will say some more about kindergarten in a moment. It strengthens the legislature's oversight, which was a prime concern of the minority the first time we debated this bill, by requiring review of the standards at least every ten years and written notice if standards affecting the definition change in the meantime. It creates a costing committee with members of the House and Senate Education and Finance committees charged to study and recommend a costing model and formula. It calls for a transition plan for districts currently without kindergarten. It extends the House language acknowledging that schools with greater challenges require different resources. The bill now charges the costing committee to develop and propose criteria for identifying schools with enhanced needs. In other words, directing or targeting more funds to schools with greater educational needs and to propose resources to meet those needs. The previous speaker mentioned that the term "enhanced needs" has no definition in statute, but part of the bill and part of the charge to the committee is not just to implement enhanced needs, but to propose criteria for identifying those schools. The bill sets a deadline of February 1, 2008 for the costing committee's recommendations in time for next year's legislative process. Let me say a few things about the four points mentioned by the Representative from Hooksett. First of all, in reference to the standards, the only misunderstanding about what the standards refer to was on the part of the Representative from Hooksett. The entire Committee of Conference had common understanding. The House Education Committee, the subcommittee certainly, working on this bill also had common understanding. The calendar report on HB 927 when it first came forward referred to the specific standards listed under each of the nine subject areas. So there was no misunderstanding. Let me read just a little bit of the language from the bill as it came forward originally and as it still stands. In the statement of purpose, IV reads, "The General Court identifies the standards in RSA 193 E:2a

and the curriculum framework that supports those standards as the specific criteria for an adequate education.” Again, in the definition section of the bill, IV again. “The school approval standards for the areas identified in paragraph I shall constitute the opportunity for the delivery of an adequate education.” The standards constitute guidelines for delivering instruction in each subject area and are not intended as a smorgasbord or a “choose your own” curriculum. Now, to the point about kindergarten. There have been a wide range of claims of what kindergarten might cost. Anywhere, the previous speaker said, from \$20 million to a \$100 million or more. A realistic estimate is much lower. As the previous speaker read to you, the standards currently call for districts to, “Strive to offer at least a half-day kindergarten program.” This definition leaves the door open for full-day kindergarten, especially in districts with greater educational challenges, but by no means mandates it. As mentioned before, the charge to the costing commission includes developing a transition plan for districts without kindergarten. We currently pay a little more than half of the state aid per pupil, or \$1,200 per kindergarten child and for new programs needing building aid the state pays 75%. DOE estimates that Salem, the largest district currently without kindergarten, may need \$2 million in building aid. Districts with shrinking enrollments can use existing spaces. If every district with a half-day kindergarten decided all at once to institute a full-day kindergarten, a very unlikely event given how long it’s taken to get to half-day, the additional cost to the state for teachers could be around \$15 million. Whatever parameters we develop for costing adequacy will also apply to kindergarten. Lastly, most importantly, I would say solid research shows that investing in kindergarten saves money in the long run. For the first time, New Hampshire will offer kindergarten to every child in the state. This is a step we can be proud of. From the beginning of this process I have hoped and believed the legislature would come forward with a definition of educational adequacy that would maintain high standards of excellence for education in New Hampshire. I believe this is that definition and I urge you to support the combined work of the Senate and House. Vote green to concur and move this process forward. Thank you.

**Speaker:** Will the member yield to a question? The member yields, Representative Peterson you may inquire.

**Rep. Peterson:** Thank you, Madam Speaker and I thank the Chair of the House Education Committee for taking my question. Just so that I can understand better what the effect of this action today would be if we were to pass this bill and thus define the framework, at least, for an adequate education. Is this somehow more than law? My question is this. We have a deadline which has been established by the court and is rapidly approaching. We are passing this language now as we pass other bills. Would it be possible for us to amend this language or alter it as we get into some of our deliberations next year or is it in some way immutable law, or more than law, or a constitutional prescription which we are passing today? Thank you.

**Rep. Rous:** Thank you for the question. My understanding is that this bill is a bill like any other bill. It is not immutable. I would say if we were somewhere down the road to amend this, to change our definition in such a way that someone saw fit to sue us, say we decided that adequacy ended at 4<sup>th</sup> grade, then that might be a point where the court might have something to say about our definition. This definition is open to changes as any other bill would be open to change.

### MOTION TO SUSPEND THE RULES

Rep. Hall moved that the Rules be so far suspended to allow late drafting and introduction of a House Resolution.

Rep. Hall spoke in favor.

Rep. Foster spoke against.

On a division vote, 41 members having voted in the affirmative and 258 in the negative, the motion failed.

### SENATE MESSAGES

#### ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

**SB 35-FN-A**, an act making an appropriation for disaster relief assistance in response to the May 2006 floods and establishing a committee to study the distribution of financial disaster assistance.

**SB 52**, relative to authorizing the attorney general to bring actions for violations of New Hampshire combination and monopolies law.

**SB 67**, relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor.

**SB 143**, naming Jericho Mountain state park and establishing ATV and trail bike trails in such park.

**SB 161-FN**, relative to the registration fees for mortgage servicing companies.

**SB 170-FN**, establishing an office of mediation and arbitration within the judicial branch.

**SB 176-FN**, relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standard.

**SB 187**, relative to motor vehicles operated in parades.

**SB 188**, relative to unfair claim settlement practices by insurers.

**SB 204-FN-A**, relative to collection of debts owed the state.

**SB 215-FN-A**, making an appropriation for AIDS services.

**SB 217-FN-A**, establishing the New Hampshire housing and conservation planning program.

**SB 233-FN**, relative to sales by beverage manufacturers and relative to the definition of specialty beer.

**SB 235-FN-A**, relative to milk support for dairy farmers.

### THIRD READING MOTION

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HR 13**, memorializing State Representative Donald R. Buxton of Brentwood.

### UNANIMOUS CONSENT

Reps. Hess, Reuschel, Roberts and Larry Brown addressed the House.

### MOTION TO PRINT REMARKS

Rep. Simon moved that the remarks made by Rep. Hess be printed in the Permanent Journal.

Adopted.

### MEMORIAL REMARKS

**Rep. Hess:** Thank you, very much, Madam Speaker and thank you, fellow Members. I rise to memorialize and honor the memory of one who sat among us and a favorite son of Hooksett. Arthur J. "Bud" Locke died on May 4 of this year at the age of 91. He was born in 1915. He grew up in Hooksett. He lived his entire life in Hooksett, but for the 27 years he spent in the military of the United States. Those years were the defining moments of his life. Immediately following his graduation from Concord High School in 1934, he enlisted in the US Army. Upon completion of training, was assigned to the 15<sup>th</sup> Infantry Regiment which was then stationed in Beijing and which in the coming years defended the US Embassy and the US Nationals from the onslaught of the Imperial Japanese Army when they crossed from Manchuria and invaded Mainland China. Unfortunately and unfortuniously in October of 1941, he was transferred to the Army Air Corps and assigned to Clark Air Base in the Philippines. He was on duty on December 8, which is the day that the Japanese hit Pearl Harbor on the other side of the International Date Line on December 7<sup>th</sup>. As a First Sergeant of his unit, he survived numerous strafing and bombing runs leading his troops back and forth in a V-shaped trench so that they were always sheltered from the incoming Zeros and Mitsubishi as they came from first one side and then the other. Within days, he was ordered to Manila where after a very brief stint, he was reassigned to Bataan. For those of you familiar with military history or old enough to remember, the MacArthur defense plan for the Philippines required that all able American servicemen and Philipinos were to pull back to Bataan for a final stand. Over 80,000 did and in the course of the next three months held a heroic but eventually unsuccessful defense. 72,000 of those soldiers, 10,000 Americans and 62,000 Philipinos survived. When they surrendered or were ordered to surrender, the hell that they were about to face was unknown but quickly became known. On April 4, 1942, after having contracted malaria and dysentery from the previous three months, Bud Locke started on the Bataan death

march. Over the next 10 days, without food, without water, without medication and under the armed guard of Japanese Imperial soldiers who at the time believed firmly in the Bushido philosophy of take no prisoners, surrender is an insult to oneself, one's family, one's Emperor and one's person, Bud Locke survived. I've driven that road a number of times while I was stationed in the Philippines. I wouldn't want to walk that road as a healthy person with full food and water in that tropical sun, even without Japanese guards bayoneting my friends and my fellow military personnel who had surrendered. Bud Locke survived that. He not only survived the Bataan death march, but he made it in shipment to Kobe, Japan where he continued as a surviving POW until August of 1945 when the Japanese surrendered in Tokyo Bay. Bud never bragged about what he did. In fact, it took awhile for some people to learn what he did, but he was truly a hero and I thank you for your time.

### RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purpose of enrolled bill amendments and enrolled bill reports, receiving Senate messages and veto messages from the Governor, after which the House will stand adjourned to the Call of the Chair.  
Adopted.

The House recessed at 6:35 p.m.

### RECESS

(Rep. Davis in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 140, 205, 337, 383, 517, 590, 611, 663 and 895 and Senate Bills numbered 27, 29, 38, 46, 58, 69, 71, 74, 78, 98, 109, 125, 144, 159, 160, 168, 178, 189, 216, 222, 224, 237, 242 and 244.  
Rep. Hager, Sen. D'Allesandro for the Committee

### ENROLLED BILL AMENDMENTS

**SB 41**, relative to the authority of law enforcement officers to obtain registration checks on motor vehicles for official purposes and prohibiting the use of automated number plate scanning devices. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 66**, relative to involuntary civil commitment of sexually violent predators and relative to payment of the sex offender registration fee by criminal offenders. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 75-FN**, relative to establishing a New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 82-FN**, reorganizing the administration and governance of the regional community-technical college system. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 93-FN**, relative to insurance coverage for children's early intervention therapy services. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 123**, relative to pole attachments. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 134-FN-A**, establishing a research and development credit against business taxes and requiring the commission of resources and economic development to report on the research and development tax credit program. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 138-FN-A**, relative to the waiting list for services to persons with developmental disabilities



and acquired brain disorders. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 162**, establishing a commission to oversee and negotiate issues relative to the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO). (Amendment printed SJ 6-27-07)  
Adopted.

**SB 192-FN**, establishing an outreach program in the children's health insurance program. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 206-FN-L**, relative to the investment authority of local government entities and authorizing the city of Nashua to purchase Pennichuck Corporation stock. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 213-FN-A**, establishing a comprehensive cancer plan fund and making an appropriation therefor, and establishing a comprehensive cancer plan oversight board. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 223-FN**, establishing a New Hampshire medal of honor and prohibiting funeral protests. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 226-FN**, relative to the temporary assistance to needy families (TANF) program. (Amendment printed SJ 6-27-07)  
Adopted.

## RECESS

(Daniel Eaton in the Chair)

### ENROLLED BILL AMENDMENT

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

#### Amendment (2372-EBA)

Amend RSA 485-A:17, II-b as inserted by section 30 of the bill by replacing lines 1-3 with the following:

#### ***II-b. In processing an application for permits under RSA 485-A:17:***

##### ***(a) Within 50 days of receipt of the application, the department shall request any additional***

Amend paragraph I of section 44 of the bill by replacing line 5 with the following:  
further legislative action from the committee, the recording surcharge established in section 45 of  
Amend section 104 of the bill by replacing lines 1-4 with the following:

104 New Subdivision; Division of Economic Development; Technology Development and Telecommunications Planning. Amend RSA 12-A by inserting after section 58 the following new subdivision:  
Technology Development and Telecommunications Planning

12-A:59 Technology Development and Telecommunications Planning. There is established  
Amend RSA 162-N:6 as inserted by section 120 of the bill by replacing it with the following:

162-N:6 Determination of Economic Revitalization Zone Tax Credits Eligible Amount. For the purpose of determining the economic revitalization zone tax credit that the taxpayer is eligible to receive, the amount of the credit to be taken shall be the lesser of the following:

I. The maximum amount of the economic revitalization zone tax credit as stated in the agreement as specified by RSA 162-N:4, I(e); or

II. The sum of the following:

(a) 4 percent of the salary for each new job created in the fiscal year with a wage less than or equal to 1.75 times the then current state minimum wage.

(b) 5 percent of the salary for each new job created in the fiscal year with a wage greater than 1.75 times the then current state minimum wage and less than or equal to 2.5 times the then

current state minimum wage.

(c) 6 percent of the salary for each new job created in the fiscal year with a wage greater than 2.5 times the then current state minimum wage.

(d) 4 percent of the lesser of the following:

(1) The actual cost incurred in the fiscal year of creating a new facility or renovating an existing facility, and expenditures for machinery, equipment, or other materials, except inventory.

(2) \$20,000 for each new job created in the fiscal year.

Adopted.

## RECESS

**(Rep. Daniel Eaton in the Chair)**

### ENROLLED BILL AMENDMENTS

**HB 25-FN-A**, making appropriations for capital improvements.

#### Amendment (2375-EBA)

Amend the bill by inserting after section 29 the following and renumbering the original section 30 to read as 31:

30 Contingency. If SB 82-FN of the 2007 legislative session becomes law, all general references to the community-technical college system in this bill shall mean the community college system of New Hampshire as established by, and in accordance with SB 82-FN.

Adopted.

**HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education, the resources required to provide an adequate education, and the establishment of a timetable for costing an adequate education.

#### Amendment (2374-EBA)

Amend paragraph IV of section 1 of the bill by replacing line 2 with the following:

education program that deliver the opportunity for an adequate education, the general court

Amend paragraph V of section 1 of the bill by replacing line 2 with the following:

specific criteria which constitute the opportunity for an adequate education. An integral part of this

Amend RSA 193-E:2-a, I as inserted by section 2 of the bill by replacing line 2 with the following:

program that deliver the opportunity for an adequate education shall be defined and identified as

Amend RSA 193-E:2-a, V as inserted by section 2 of the bill by replacing line 12 with the following:

the activities, and the materials to be used.

Adopted.

## RECESS

**(Rep. Marjorie Smith in the Chair)**

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 1, 2, 25, 293, 471, 653 and 927 and Senate Bills numbered 64 and 169.

Rep. Hager, Sen. D'Allesandro for the Committee

## RECESS

**(Rep. Wendelboe in the Chair)**

### ENROLLED BILL AMENDMENTS

**HB 87**, relative to the exceptions to compulsory school attendance.

#### Amendment (2364-EBA)

Amend the bill by replacing all after section 1 with the following:

2 School Attendance; Compulsory Attendance by Pupil. Amend RSA 193:1, I to read as follows:

I. A parent of any child at least 6 years of age and under 18 years of age shall cause such child to attend the public school to which the child is assigned in the child's resident district. Such child shall attend full time when such school is in session unless:

(a) The child is attending a New Hampshire public school outside the district to which the

child is assigned or an approved New Hampshire private school for the same time;

(b) The child is receiving home education pursuant to RSA 193-A *and is therefore exempt from this requirement*;

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and equitable education grants under RSA 198:41; [or]

(d) The child is attending a public or private school located in another state which has been approved by the state education agency of the state in which the school is located[-] ;

(e) *The pupil has been exempted from attendance pursuant to RSA 193:5;*

(f) *The pupil has successfully completed all requirements for graduation and the school district is prepared to issue a diploma or the pupil has successfully achieved the equivalent of a high school diploma by either:*

(1) *Obtaining a GED certificate; or*

(2) *Documenting the completion of a home school program at the high school level by submitting a certificate or letter to the department of education;*

(g) *The pupil has been accepted into an accredited postsecondary education program; or*

(h) *The pupil obtains a waiver from the superintendent, which shall only be granted upon proof that the pupil is 16 years of age or older and has an alternative learning plan for obtaining either a high school diploma or its equivalent.*

(1) *Alternative learning plans shall include age-appropriate academic rigor and the flexibility to incorporate the pupil's interests and manner of learning. These plans may include, but are not limited to, such components or combination of components of extended learning opportunities as independent study, private instruction, performing groups, internships, community service, apprenticeships, and on-line courses.*

(2) *Alternative learning plans shall be developed, and amended if necessary, in consultation with the pupil, a school guidance counselor, the school principal and at least one parent or guardian of the pupil, and submitted to the school district superintendent for approval.*

(3) *If the superintendent does not approve the alternative learning plan, the parent or guardian of the pupil may appeal such decision to the local school board. A parent or guardian may appeal the decision of the local school board to the state board of education consistent with the provisions of RSA 21-N:11, III.*

3 School Attendance; Bylaws as to Nonattendance. Amend RSA 193:16 to read as follows:

193:16 Bylaws as to Nonattendance. Districts may make bylaws, not repugnant to law, concerning habitual truants and children between the ages of 6 and [16] 18 years not attending school [~~and not having a regular and lawful occupation;~~] *or who are not participating in an alternative learning plan under RSA 193:1, I(h)*, and to compel the attendance of such children at school; failure to comply with such bylaws shall constitute a violation for each offense.

4 Truant Officers; Duties. Amend RSA 189:36 to read as follows:

189:36 Duties. Truant officers shall, when directed by the school board, enforce the laws and regulations relating to truants and children between the ages of 8 and [16] 18 years not attending school [~~and without any regular and lawful occupation~~] *or who are not participating in an alternative learning plan under RSA 193:1, I(h)*; and the laws relating to the attendance at school of children between the ages of 8 and 18 years; and shall have authority without a warrant to take and place in school any children found employed contrary to the laws relating to the employment of children, or violating the laws relating to the compulsory attendance at school of children under the age of 18 years, and the laws relating to child labor. *No home school pupil nor any person between the ages of 6 and 18 who meets any of the requirements of RSA 193:1, I(c)-(h) shall be deemed a truant.*

5 Contingency. If SB 18-FN of the 2007 regular legislative session becomes law, sections 2-4 of this act shall take effect July 1, 2009 and sections 1-3 of SB 18-FN shall not take effect. If SB 18-FN of the 2007 regular legislative session does not become law, sections 2-4 of this act shall not take effect.

6 Effective Date.

I. Sections 2-4 of this act shall take effect as provided in section 5 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

**HB 407-FN-A**, relative to assistance for milk producers.

**Amendment (2358-EBA)**

Amend RSA 184-B:3, II(a) as inserted by section 1 of the bill by replacing line 1 with the following:

(a) One member of the house of representatives who serves on the environment and

Adopted.

**HB 495-FN**, relative to criminal record and central registry checks of prospective foster and adoptive parents and relative to the custody of a child placed by the court in a delinquency proceeding or a proceeding for a child in need of services (CHINS).

**Amendment (2367-EBA)**

Amend RSA 170-B:18, VII(b) as inserted by section 3 of the bill by replacing line 2 with the following:

of founded reports of child abuse and neglect under RSA 169-C:35 and shall include a check of the Amend section 5 of the bill by replacing line 3 with the following:

II-a. In the case of an initial application for a foster family home, the department shall

Amend RSA 170-E:29, II-a(b) as inserted by section 5 of the bill by replacing line 2 with the following:

of founded reports of child abuse and neglect under RSA 169-C:35 and shall include a check of the Amend RSA 541-A:21, I(z) as inserted by section 6 of the bill by replacing line 2 with the following: assessment, and RSA 170-E:29, II-a relative to background checks of prospective foster parents.

Amend RSA 169-B:11, II as inserted by section 8 of the bill by replacing line 4 with the following: crisis home, a shelter care facility, a group home with expenses charged according to

Amend RSA 169-D:13, I(c) as inserted by section 13 of the bill by replacing line 3 with the following: **home, or a shelter care facility** with expenses chargeable as provided in RSA 169-D:29[~~or~~].

Amend the bill by replacing all after section 15 with the following:

16 Reference Deleted. Amend RSA 169-B:19, VIII to read as follows:

VIII. When a dispositional order places a minor in an out-of-home placement pursuant to RSA 169-B:19, I(e)[~~;~~] **or** (f), [~~or (g);~~] prior to concluding the dispositional hearing the court shall set a date for a permanency hearing pursuant to RSA 169-B:31-a, I.

17 Reference Deleted. Amend RSA 169-D: 17, II-b to read as follows:

II-b. When a dispositional order places a minor in an out-of-home placement pursuant to RSA 169-B:19, I (e)[~~;~~] **or** (f), [~~or (g);~~] prior to concluding the dispositional hearing the court shall set a date for a permanency hearing pursuant to RSA 169-D:21-a.

18 Authorization to Renumber.

I. The director of legislative services shall renumber RSA 541-A:21, I(z) as inserted by section 6 of this act to accommodate other acts enacted during the 2007 regular legislative session inserting new subparagraphs in RSA 541-A:21, I.

II. RSA 169-D:2, IX-XII, as enacted by SB 152 of the 2007 regular legislative session are hereby renumbered as RSA 169-D:2, X-XIII.

19 Effective Date.

I. Sections 2-6 of this act shall take effect July 1, 2007.

II. Sections 16-17 shall take effect January 1, 2008, at 12:01 a.m.

III. The remainder of this act shall take effect upon its passage.

Adopted.

**HB 661-FN-A**, establishing an executive planning commission on special education.

**Amendment (2355-EBA)**

Amend RSA 186-C:21, I as inserted by section 2 of the bill by replacing line 1 with the following:

***I. There is hereby established an executive planning commission on special***

Amend RSA 186-C:21, II(d) as inserted by section 2 of the bill by replacing line 2 with the following: ***or both, which school districts can use on a contract or other basis to address temporary***

Amend RSA 186-C:21, IV(b) as inserted by section 2 of the bill by replacing lines 2-5 with the following:

***and model should apply only to educationally disabled children as defined by RSA 186-C:2 or expanded at the outset or a later point to include other students, such as students at risk of***

*needing special education, dropping out, court placed, or students for whom English is a second language; whether the plan and model should apply to all students; and whether*  
Adopted.

**HB 664-FN**, relative to annual dam registration and permit application fees and authorizing the city of Manchester to establish a stormwater utility.

#### **Amendment (2370-EBA)**

Amend RSA 482:5 as inserted by section 2 of the bill by replacing line 1 with the following:

482:5 Non-permitted Existing Dams. [F] Upon written notice from the department, the owner of a  
Adopted.

**SB 92**, relative to the definition of employee and clarifying the criteria for exempting workers from employee status. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 118**, increasing fines for certain dog violations. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 197**, relative to continuation of group health insurance in the event of divorce or legal separation. (Amendment printed SJ 6-27-07)  
Adopted.

#### **RECESS**

**(Rep. David Cote in the Chair)**

#### **ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly Enrolled Senate Bill number 134.  
Rep. Hager, Sen. D'Allesandro for the Committee

#### **RECESS**

**(Rep. Daniel Eaton in the Chair)**

#### **ENROLLED BILL AMENDMENTS**

**SB 52**, relative to authorizing the attorney general to bring actions for violations of New Hampshire combination and monopolies law. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 143**, relative to ATV and trail bike trails in Jericho Mountain park. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 204-FN-A**, relative to collection of debts owed the state. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 217-FN-A**, establishing the New Hampshire housing and conservation planning program. (Amendment printed SJ 6-27-07)  
Adopted.

#### **RECESS**

**(Rep. Daniel Eaton in the Chair)**

#### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bill number 876 and Senate Bills numbered 75, 93, 123, 138, 140, 162, 213, 223 and 226.

Rep. Hager, Sen. D'Allesandro for the Committee

#### **RECESS**

**(Rep. Mark Preston in the Chair)**

**ENROLLED BILL AMENDMENTS**

**SB 176-FN**, relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standards. (Amendment printed SJ 6-27-07)  
Adopted.

**SB 235-FN-A**, establishing a milk producers emergency relief fund. (Amendment printed SJ 6-27-07)  
Adopted.

**HB 134**, relative to electronic prescribing for prescription drugs.

**Amendment (2379-EBA)**

Amend RSA 318:47-c, II(c) as inserted by section 2 of the act by replacing line 5 with the following:  
*shall not be triggered by or in specific response to the input, selection, or act of a prescribing*  
Adopted.

**HB 306**, establishing a task force on work and family.

**Amendment (2383-EBA)**

Amend subparagraph (l) as inserted by section 3 of the bill by replacing line 1 with the following:  
(l) A representative of the New Hampshire Women's Lobby, appointed by that  
Adopted.

**HB 365**, regulating the practice of foreclosure consultants and pre-foreclosure conveyances.

**Amendment (2382-EBA)**

Amend RSA 479-B:1, IV as inserted by section 1 of the bill by replacing line 3 with the following:  
result of a pre-foreclosure conveyance, or any person who participates in a joint venture or joint  
Amend RSA 479-B:4, II as inserted by section 1 of the bill by replacing line 1 with the following:

II. Notwithstanding any other provision of this chapter, the homeowner's right of  
Amend RSA 479-B:5, II(d) as inserted by section 1 of the bill by replacing line 3 with the following:  
writing to the homeowner and the third party's interest does not conflict with the homeowner's or  
Amend RSA 479-B:5, III(d) as inserted by section 1 of the bill by replacing lines 4-6 with the  
following:  
reconveyance;

(2) Sell the property, if allowed under the terms of the conveyance, at a bona fide market  
sale to an unaffiliated third party; or

Amend RSA 479-B:5, III(e) by replacing lines 5-7 with the following:  
pre-foreclosure purchaser does not have; or

(3) The foreclosure purchaser is assisting the homeowner to avoid the loss of ownership,  
to "save the house," or a substantially similar phrase; or  
Amend the bill by replacing section 2 with the following:

2 Banking Department; New Hampshire Housing Finance Authority. Reports Required.

I. The banking department, New Hampshire housing finance authority, and New Hampshire  
legal assistance shall compile available information and analysis and prepare reports identifying  
any foreclosure rescue scam or scheme not covered by RSA 479-B.

II. The entities in paragraph I shall make reports, together with any recommendations for  
legislation, to the president of the senate, the speaker of the house of representatives, and the chairs  
of the senate commerce, labor, and consumer protection committee and the house commerce com-  
mittee on November 1, 2007 and on November 1, 2008.

Adopted.

**HB 488-FN-A-L**, relative to the state chief medical examiner and medico-legal death investigations.

**Amendment (2385-EBA)**

Amend RSA 611-B:14, I as inserted by section 1 of the bill by replacing line 3 with the following:  
an accurate and detailed description of the location, position, and condition of the body and any

Amend RSA 611-B:17, I as inserted by section 1 of the bill by replacing line 5 with the following:  
home, or any other residential facility operated by the department or a contract

Amend RSA 5-C:63, I as inserted by section 3 of the bill by replacing line 5 with the following:  
the physician or ARNP who will be responsible for supplying the cause of death information before  
the body is

Amend RSA 5-C:63, VIII as inserted by section 4 of the bill by replacing lines 1-4 with the following:

VIII. The reverse side of the death certificate shall contain a notice to the physician or ARNP regarding the release of a body in accordance with RSA 290:2-a, the necessity of a pronouncement in accordance with RSA 290:1-b and indication of who can provide alternate signatures in the absence of the attending physician or ARNP, in accordance with RSA 290:1-b. The reverse side of the certificate shall

Amend RSA 5-C:64, III as inserted by section 5 of the bill by replacing line 2 with the following; attending physician or ARNP unless the death is referred to the medical examiner pursuant to RSA [611:4]

Amend RSA 126-A:5,V as inserted by section 11 of the bill by replacing line 3 with the following: home, or any other residential facility operated by the department or a contract  
Adopted.

**HB 498-FN-A**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department, and appropriating certain motor vehicle number plates revolving funds for department of safety employee benefits and building projects.

#### **Amendment (2387-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department, and relative to the land and community heritage investment program administrative fund.

Adopted.

**HB 659-FN**, exempting certain motor vehicles manufactured prior to 1948 from vehicle equipment and inspection requirements.

#### **Amendment (2380-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT exempting certain motor vehicles manufactured prior to 1949 from vehicle equipment and inspection requirements.

Adopted.

**HB 822**, relative to enrollment of students in regional vocational schools.

#### **Amendment (2373-EBA)**

Amend section 4 of the bill by replacing line 2 with the following:

188-E:5 Program.

*I.* The program in the regional vocational centers shall be broad enough to serve the  
Amend section 4 of the bill by replacing line 10 with the following:

***II. Regional vocational centers shall, on a space available basis, enroll any***

Amend section 4 of the bill by replacing line 13 with the following:

***(a) The student has successfully completed any courses required as a***

Amend section 4 of the bill by replacing line 15 with the following:

***(b) The prerequisites have been waived by the regional vocational center.***

Amend RSA 188-E:6, I as inserted by section 2 of the bill by replacing it with the following:

I. Students shall enroll at their regular high school for nonvocational courses and attend a regional vocational center for purposes of taking vocational courses except [students], ***when it is determined pursuant to department of education rules that it would be in the best interest of the student, both academically and vocationally,*** or where a student has been deemed to be at risk, ***a student*** may[, where distance, transportation, or other physical restrictions prohibit,] attend the vocational education center for [their] ***his or her*** entire educational program. Tuition charged for students enrolled part time at the vocational education center shall be prorated on a time basis for both the local district and the state share of the payment.

Adopted.

**HB 828-FN**, relative to corrupt practices as defined in RSA 640 and state reporting requirements for gifts, honorariums, and expenses.

#### **Amendment (2388-EBA)**

Amend RSA 15-B:6, II as inserted by section 6 of the bill by replacing line 3 with the following:  
***official business pursuant to RSA 15-B:2, V(b)(12) shall file a report with the secretary of***  
Adopted.

RECESS

**(Rep. Foster in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 37, 83, 87, 134, 187, 202, 306, 365, 407, 488, 495, 498, 533, 659, 661, 664, 723, 735, 767, 796, 822, 828, 882 and 903 and Senate Bills numbered 35, 41, 52, 66, 67, 82, 92, 118, 143, 161, 170, 176, 187, 192, 197, 204, 206, 215, 217, 233 and 235.

Rep. Hager, Sen. D'Allesandro for the Committee

The House is adjourned to the Call of the Chair.

RECESS

**(Speaker Norelli in the Chair)**

Rep. Wallner moved that the House adjourn.

Adopted.



**HOUSE JOURNAL No. 22**

Wednesday, September 5, 2007

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

Somewhere during these summer months, O God, perhaps in a moment with our toes in the sand, with our eyes on a sunset or with an unexpected moment to simply rest and breathe again, somewhere during these summer months, You reminded us of a wisdom we once knew in our time of youth, but since forgot. We are often wiser, stronger, more hopeful, more helpful, when we slow down. When doing gives way, if only briefly, to being and lists give way to life. How quickly we forget, O God, of how rich each moment is all by itself. Would that we might recapture some of that Holy awareness for today and for the days to come. Help us in our work to pause just enough to embrace the fullness of life You have placed within our grasp so that our service for the sake of others might make possible greater fullness of life for them as well. In the Holy Spirit of Your spacious name we pray. Amen.

Rep. Donald Flanders, member from Laconia, led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. DeChane, Forsing, Hunter, John Kelley, Evalyn Merrick and Stevens, the day, illness.

Reps. Ahlgren, Benn, Bergin, Carson, DeJoie, Stephanie Eaton, Fargo, Hebert, Holden, Hutz, George Katsakiores, Phyllis Katsakiores, John Knowles, Mary Ann Knowles, Leishman, McLeod, Miller, Morrison, O'Brien, Pearson, Rochette, Michael Rollo, Serlin, Kimberly Shaw, Sprague and Yvonne Thomas, the day, important business.

Reps. Billian and Goodwin, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Sally Humphries, Barbara and Steve Mouring, and Anna, Steve Jr., Danny, Abby and Timmy Mouring; wife, daughter, son-in-law and grandchildren of Rep. Humphries. Peter Fay, brother of Rep. Flockhart. Timothy McGuire and Mary Zwick, guests of Rep. Mooney. Phil Saperia, guest Rep. Butler. Mark and Shirlee Butt, guests of Rep. Parkhurst.

**COMMUNICATION**

July 18, 2007

Ms. Karen Wadsworth  
Clerk of the House of Representatives  
State House  
Concord, NH 03301

Dear Karen:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Merrimack County District No. 9, David R. Boutin, r, Hooksett (1465 Hooksett Rd., #80) 03106

Sincerely,  
William M. Gardner  
Secretary of State

**COMMUNICATION**

August 22, 2007

Ms. Karen Wadsworth  
Clerk of the House of Representatives  
State House  
Concord, NH 03301

Dear Karen:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham County District No. 14, Jim Webber, d, Kensington (5 Wild Pasture Rd) 03833

Sincerely,  
William M. Gardner  
Secretary of State

**GOVERNOR'S VETO MESSAGE ON HB 143**

July 2, 2007

**By the authority vested in me, pursuant to part II, article 44 of the New Hampshire Constitution, on July 2, 2007, I vetoed HB 143, an act relative to the apportionment of damages in civil cases.**

New Hampshire's system of comparative fault is a hybrid system that works to balance the interests of injured plaintiffs with those of defendants bearing relatively low percentages of fault for causing damages. When multiple individuals or entities are responsible for causing harm, the New Hampshire approach is to ensure that injured plaintiffs receive just compensation, and that the degree of negligence of all responsible parties is appropriately weighed when apportioning damages among the negligent parties. Injured victims should be compensated fairly, but not at the disproportionate expense of those bearing relatively minor fault.

Under New Hampshire law, for the purpose of apportioning damages in a civil case, the jury is instructed to determine the amount of damages to be awarded to each plaintiff and then allocate fault in proportionate share to anyone who contributed to the incident giving rise to the plaintiff's injuries. Fault may be apportioned against any individual or entity who was negligent and whose conduct was a substantial factor in causing the harm – including persons or entities that are parties to the lawsuit, parties who previously settled their lawsuits, or are immune from liability, or are not otherwise before the court.

HB 143 would change existing law and allow the jury to allocate fault only between those individuals or entities that remain parties to the lawsuit at the conclusion of the trial. This change in law would prohibit the jury from apportioning fault to certain individuals or entities who carry significant degrees of fault for the plaintiff's injuries, but who either settled claims prior to conclusion of the lawsuit, or who are not parties to a particular lawsuit for other reasons. I cannot support this change in the law because it is unfair for a defendant with a low degree of fault to have to pay a disproportionately large share of the damages.

The attorney general has testified that the passage of HB 143 will result in increased litigation costs and higher judgments borne by the taxpayers of the State of New Hampshire. I believe these concerns warrant further study.

There may be steps that we can take to better ensure that injured victims are fully compensated under the law. I remain open to considering improvements to our existing statutory system of comparative fault, apportionment of liability and contribution laws. I encourage those interested in this bill to communicate closely with one another and to continue their work next session.

Respectfully submitted, John H. Lynch, Governor

The question now being, notwithstanding the Governor's veto, shall **HB 143**, relative to the apportionment of damages in civil cases, become law?

Rep. Lasky spoke in favor.

Rep. DiFruscia spoke against.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

**YEAS 65 NAYS 254**

**YEAS 65**

**BELKNAP**

Arsenault, Beth

**CARROLL**

Bridgham, Robert

Cunningham, Howard

**CHESHIRE**

Burridge, Delmar

Butcher, Suzanne

Eaton, Daniel

Mitchell, Bonnie

Richardson, Barbara

Sad, Tara

Weber, Lucy

**COOS**

Hatch, William

**GRAFTON**

Friedrich, Carol  
Pierce, David

Laliberte, Suzanne

Lovett, Sid

Mulholland, Catherine

**HILLSBOROUGH**

Campbell, David  
Hall, Betty  
Lasky, Bette  
Mooney, Maureen  
Sullivan, Daniel

Cote, David  
Hammond, Jill  
Levesque, Melanie  
Nagle, Maureen  
Sysyn, Mary

Gorman, Mary  
Johnson, Stephen  
Lisle, Carolyn  
Scannell, David

Hackel, Paul  
Kaelin, Michael  
Mack, Ron  
Simon, Anthony

**MERRIMACK**

Baxley, Maureen  
Richardson, Gary

Brueggemann, Donald  
Wallner, Mary

Clarke, Claire  
Wheeler, Deborah

Foose, Robert

**ROCKINGHAM**

Brown, C. Pennington  
Kennedy, James  
Nord, Susi

Cali-Pitts, Jacqueline  
Kepner, Susan  
Webber, James

Grote, Otto  
Moody, Marcia

Kelley, Jane  
Moore, Bennett

**STRAFFORD**

Brown, Jennifer  
Smith, Marjorie

Cyr, James  
Srnc, Robert

Hofemann, Roland  
Vachon, Dennis

Schmidt, Peter

**SULLIVAN**

Cloutier, John  
Jillette, Arthur Jr

Converse, Larry  
Nielsen, Ellen

Franklin, Peter  
Phinizz, James

Houde, Matthew

**NAYS 254****BELKNAP**

Allen, Janet  
Millham, Alida  
Russell, David  
Wendelboe, Fran

Boyce, Laurie  
Nedeau, Stephen  
Thomas, John  
Whalley, Michael

Clark, Charles  
Pilliod, James  
Tilton, Franklin  
Wood, Jane

Flanders, Donald  
Reever, Judith  
Tobin, William

**CARROLL**

Brown, Carolyn  
Denley, William  
Morrow, Harry

Buco, Thomas  
Heard, Virginia  
Patten, Betsey

Butler, Edward  
Knox, J. David

Chandler, Gene  
Martin, James

**CHESHIRE**

Allen, Peter  
Dunn, J. Timothy  
Johnson, Jane  
Plifka, Stanley Jr

Butterworth, Timothy  
Emerson, Susan  
Lerandeau, Alfred  
Roberts, Kris

Butynski, William  
Espiefs, Peter  
Loll, Thomas  
Robertson, Timothy

Chase, William  
Hunt, John  
Parkhurst, Henry  
Weed, Charles

**COOS**

King, Frederick  
Tholl, John Jr

Remick, William

Stohl, Eric

Theberge, Robert

**GRAFTON**

Aguiar, James  
Cooney, Mary  
Harding, A Laurie  
Solomon, Peter

Almy, Susan  
Estes, Carole  
Matheson, Robert  
Sorg, Gregory

Bleyler, Ruth  
Gionet, Edmond  
Nordgren, Sharon  
Williams, Burton

Bulis, Lyle  
Hammond, Lee  
Preston, Philip

**HILLSBOROUGH**

Baroody, Benjamin  
Beck, Catriona

Barry, Richard  
Bergeron, Jean-Guy

Batula, Peter  
Chase, Claudia

Beaulieu, Jane  
Christensen, Chris

Christiansen, Lars  
Crane, Elenore Casey  
Dokmo, Cynthia  
Essex, David  
Foster, Linda  
Goley, Jeffrey  
Hansen, Ryan  
Hogan, Edith  
Jean, Claudette  
L'Heureux, Robert  
Manney, Pamela  
O'Connell, Timothy  
Peterson, Andy  
Renzullo, Andrew  
Schulze, Joan  
Smith, Sandra  
Stepanek, Stephen  
Vaillancourt, Steve

Clemons, Jane  
Daler, Jennifer  
Drisko, Richard  
Farley, Michael  
Gargas, Carolyn  
Goyette, Peter  
Harvey, Suzanne  
Infantine, William  
Judy, Jean  
Lawrence, James  
Matarazzo, Anthony Sr  
O'Neil, James  
Pilotte, Maurice  
Reuschel, Michael  
Shattuck, Gilman  
Soucy, Connie  
Sullivan, Francis  
Villeneuve, Maurice

Cote, Peter  
Daniels, Gary  
Elliott, Nancy  
Fletcher, Richard  
Garrity, Patrick  
Graham, John  
Hawkins, Ken  
Irwin, Anne-Marie  
Kopka, Angeline  
Lessard, Rudy  
Messier, Irene  
Ober, Lynne  
Price, Pamela  
Rosenwald, Cindy  
Shaw, Barbara  
Spaulding, Jayne  
Tahir, Saghir  
Winters, Joel

Coughlin, Pamela  
Day, Russell  
Emerton, Larry  
Forest, Armand  
Ginsburg, Ruth  
Haefner, Robert  
Hinkle, Peyton  
Jasper, Shawn  
Kurk, Neal  
Long, Patrick  
Movsesian, Lori  
Ober, Russell III  
Reeves, Sandra  
Rowe, Robert  
Smith, David  
Spratt, Stephen  
Ulery, Jordan

### MERRIMACK

Anderson, Eric  
Boutin, David  
Ehlers, Eileen  
Hamm, Christine  
Kidder, David  
Osborne, Jessie  
Reardon, Tara  
Tilton, Joy  
Williams, Robert

Beauchesne, Suzanne  
Brown, Carole  
French, Barbara  
Hess, David  
Kjellman, Eleanor Glynn  
Owen, Derek  
Reed, Dennis  
Tupper, Frank  
Yeaton, Charles

Blanchard, Elizabeth  
Davis, Frank  
Gile, Mary  
Humphries, Charlie  
Lockwood, Priscilla  
Porter, Margaret  
Ryan, Jim  
Walz, Mary

Bouchard, Candace  
DeStefano, Stephen  
Greco, Vincent  
Kelly, Sally  
MacKay, James  
Potter, Frances  
Shurtleff, Stephen  
Webb, Leigh

### ROCKINGHAM

Abbott, Dennis  
Belanger, Ronald  
Case, Frank  
DiFruscia, Anthony  
Fesh, Bob  
Garrity, James  
Headd, James  
Ingram, Russell  
Lister, Charlotte  
McKenna, Daniel  
Packard, Sherman  
Quandt, Marshall  
Robertson, Carl  
Splaine, James  
Welch, David

Allen, Mary  
Bishop, Franklin  
Casey, Kimberley  
Dumaine, Dudley  
Flanders, John Sr  
Gould, Kenneth  
Henson, John  
Introne, Robert  
Lund, Howie  
McMahon, Charles  
Pantelakos, Laura  
Quandt, Matthew  
Russell, Trink  
Stiles, Nancy  
Wells, Roger

Baldasaro, Alfred  
Borden, David  
Charron, Gene  
Elliott, Robert  
Flockhart, Eileen  
Griffin, Mary  
Hopfgarten, Paul  
Itse, Daniel  
Major, Norman  
Moore, Benjamin  
Powers, James  
Rausch, James  
Sanders, Elisabeth  
Waterhouse, Kevin  
Weyler, Kenneth

Bedrick, Jason  
Camm, Kevin  
Day, Judith  
Emiro, Frank  
Garcia, Marilinda  
Guthrie, Joseph  
Hutchinson, Karen  
Kappler, Lawrence  
Marsh, Michael  
Nowe, Ronald  
Priestley, Anne  
Reagan, John  
Snow, Richard  
Weare, Everett  
Winchell, George

### STRAFFORD

Berube, Roger  
Browne, Brendon  
Knowles, William  
Rous, Emma

Brennan, William  
Burke, Rachel  
Mickelson, Shawn  
Spang, Judith

Brown, Julie  
Hubbard, Pamela  
Perry, Robert  
Wall, Janet

Brown, Larry  
Kaen, Naida  
Rollo, Deanna  
Watson, Robert

### SULLIVAN

Donovan, Thomas  
and the veto was sustained, lacking the necessary two-thirds.

Gagnon, Raymond

Rodeschin, Beverly

Skinder, Carla

**UNANIMOUS CONSENT**

Reps. Stiles and Vaillancourt addressed the House.

**MOTION TO PRINT REMARKS**

Rep. Daniel Eaton moved that the remarks made by Rep. Stiles be printed in the Permanent Journal. Adopted.

**REMARKS**

**Rep. Stiles:** Thank you very much. On August 24<sup>th</sup> we lost a former legislator, Tom Gillick. Tom served 4 years in this legislature, 2003 to 2006, and served as Clerk of the Municipal and County Government Committee. Tom is remembered for his incredible capability to recall the cause and effect of any point in history. Tom may have been small in stature, but he was sure huge in compassion and knowledge. He brought to this legislature his expertise of municipal operations having served many years as a town manager, selectmen, on the local planning board and local zoning board. He held in high regard the educational opportunities for our children. Tom also served his country in World War II and was present at the surrender of the Japanese forces. Tom was a friend to anyone who sought his friendship and respected anyone's differences of opinion. Many of our colleagues will miss his warm smile and his willingness to help. Thank you.

A moment of silence was observed.

The House recessed at 11:30 a.m.

**RECESS****(Rep. Foster in the Chair)**

The House reconvened at 12:30 p.m.

**SENATE MESSAGES**

The Senate has voted to sustain the Governor's veto on the following bills:

**SB 109**, relative to emergency powers of the supreme court.

**SB 213-FN-A**, establishing a comprehensive cancer plan fund, requiring master settlement agreement strategic contribution fund payments to be deposited in such fund, and establishing a comprehensive cancer plan oversight board.

The Senate has passed Bills and Resolutions with the following titles, in passage of which it asks the concurrence of the House of Representatives:

**SB 266-FN-A**, relative to a capital appropriation for the Laconia district court renovation.

**MOTION TO SUSPEND HOUSE RULES**

Reps. Wallner and Whalley moved that House Rules be so far suspended as to permit introduction and consideration at the present time of **SB 266-FN-A**, relative to a capital appropriation for the Laconia district court renovation, without the required referral to committee, public hearing and report from committee and, if passed, to allow for immediate third reading. Adopted.

**RESOLUTION**

Rep. Wallner offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 266 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

**INTRODUCTION OF SENATE BILL****First, second reading**

**SB 266-FN-A**, relative to a capital appropriation for the Laconia district court renovation.

**CONSIDERATION OF SB 266-FN-A**

Rep. Bouchard moved Ought to Pass and spoke in favor.

Rep. Graham spoke in favor.

Adopted.

**THIRD READING MOTION**

Rep. Wallner offered the following: RESOLVED, that **SB 266** be read by title only and that it be read a third time by this resolution, and that its title be the same as adopted, and that it be passed at the present time.

Adopted.

**Third reading and final passage**

**SB 266-FN-A**, relative to a capital appropriation for the Laconia district court renovation.

**ADJOURNMENT FROM THE EARLY SESSION**

Rep. Wallner offered the following: RESOLVED, that the House now adjourn from the early session and that the business of the late session be in order at the present time.

Adopted.

**LATE SESSION****ADJOURNMENT**

Rep. Wallner moved that the House stand in recess for the purpose of enrolling **SB 266-FN-A**, relative to a capital appropriation for the Laconia district court renovation, at the completion of which the House will stand adjourned to the Call of the Chair.

Adopted.

The House recessed at 12:45 p.m.

**RECESS**

**(Rep. Daniel Eaton in the Chair)**

**ENROLLED BILL REPORT**

The committee on Enrolled Bills has examined and found correctly enrolled Senate Bill number 266.  
Rep. Hager, Sen. D'Allesandro for the Committee

The House stands adjourned to the Call of the Chair.

**CLERK'S NOTE****OUTSTANDING BILLS**

**At the time of adjournment from the 2007 session, the following bills remained laid on the table in the House:**

**HB 92**, decriminalizing marijuana.

**HB 109**, eliminating straight ticket voting.

**HB 177-FN**, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide.

**HB 234**, establishing a committee to study state environmental laboratory fees and services.

**HB 674**, extending the veterans' property tax credit to all honorably discharged veterans.

**HB 745**, relative to the use of secret databases.

**HR 12**, affirming revenue estimates for fiscal years 2007, 2008, and 2009.

**SB 73-FN-A**, relative to lottery prizes and administration by the lottery commission.

**SB 88**, relative to public employee terms of employment, bargaining units, and dispute resolution.

**SB 191-FN-A**, relative to the nongame species account in the fish and game fund.

**At the time of adjournment from the 2007 session, the following bills were retained in committee for House action in the second year of the biennium:**

**HB 31-FN**, requiring the licensure of property and casualty insurance appraisers.

**HB 35**, establishing a commission to study human trafficking issues in New Hampshire.

**HB 40**, relative to living wills and durable powers of attorney for health care.

**HB 45**, relative to addresses on motor vehicle registrations.

**HB 47**, exempting inheritances from marital assets for purposes of divorce settlements.

**HB 48**, relative to the definition of "party" for election purposes.

**HB 57**, relative to advance directives for durable powers of attorney and living wills.

**HB 65**, relative to the appointment of the director of the division of ports and harbors.

**HB 76-FN**, creating an environmental policy for New Hampshire.

**HB 79**, relative to the safety of school bus stops.

**HB 91-FN**, relative to registration fees for lobbyists and requiring registration of employers of lobbyists.

**HB 116**, limiting access to certain business records.

**HB 121-FN**, expanding eligibility for special number plates for veterans to family members of soldiers killed in action.

**HB 145**, establishing an education funding study committee.

**HB 156**, relative to the membership of the ballot law commission.

**HB 159**, establishing a committee to study the need for a classification system for criminal offenders.

**HB 172-FN**, establishing the position of state meat inspector.

**HB 173-FN-A**, relative to the promotion, acquisition, and retention of a large animal veterinarian in those areas of the state where there is a need, and making an appropriation therefor.

**HB 174-FN**, relative to regulating residential building and remodeling contractors.

**HB 181-FN-A**, establishing a tuition voucher program for New Hampshire national guard members and making an appropriation therefor.

**HB 185-FN**, extending the duration of the CROP zone tax credits program and expanding the state jobs grant fund.

**HB 186-FN**, relative to random recounts.

**HB 190**, relative to the definition of "resident" for motor vehicle purposes.

**HB 201-FN-A**, relative to recycling and reconstituting the recycling market development steering committee.

**HB 208**, relative to the definition of swine as a nuisance.

**HB 211-FN**, requiring that first-time driver's license applicants be informed of and examined on laws relating to blind pedestrians.

**HB 214**, relative to discovery in criminal matters.

**HB 233-FN-A**, specifying compensation for ballot law commissioners.

**HB 235**, relative to the recognition of out-of-state marriages.

**HB 241**, relative to permissible campaign contributions by business organizations and labor unions.

**HB 255**, establishing a committee to study the implementation and use of growth management ordinances.

**HB 260-FN**, relative to bail agents and recovery agents.

**HB 265-FN-A**, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making an appropriation therefor.

**HB 267**, relative to certain small loans.

**HB 269**, prohibiting "pretexting" as a means of obtaining personally identifiable information.

**HB 270**, allowing municipalities to adopt a homestead exemption for property tax assessments on a person's principal place of residence.

**HB 271**, making political and commercial advertising placed illegally on public property subject to state litter laws.

**HB 282**, relative to administration of road tolls.

**HB 283**, allocating a portion of unrefunded road tolls to the dam maintenance fund.

**HB 285**, prohibiting municipalities and state and local officials from entering into nondisclosure agreements with vendors of voting machines with respect to the purchase or lease of voting machines.

**HB 287**, requiring the seller to provide notice to the buyer of privately owned land or property known, or in an area historically known, to have been inhabited by Native Americans.

**HB 291**, relative to licensure of fireworks sellers.

**HB 294-FN**, relative to current use taxation of certain farm buildings.

**HB 295**, relative to the definition of biomass and biomass fuel.

**HB 296**, prohibiting the use of flatbed trailers with outrigger wheels in parades.

**HB 310**, allowing municipalities to regulate small wind energy systems.

**HB 315**, relative to criminal background checks of municipal employees through the New Hampshire state police.

**HB 329**, relative to the fire equipment servicing certification program.

**HB 330**, establishing a task force to study the feasibility of supplying laptop computers to all 7<sup>th</sup> grade children in the state.

**HB 331**, relative to the withholding of building permits in certain cases.

**HB 335**, defining "unnecessary hardship" for purposes of zoning variances.

- HB 352-L**, relative to trust funds for public school educational enhancement.
- HB 355-FN**, establishing number plates supporting New Hampshire public higher education.
- HB 358**, relative to the procedure for listing candidates on state election ballots.
- HB 359-FN**, relative to recovery of medical assistance from an estate.
- HB 369-FN**, relative to state reimbursement for costs of bailiffs.
- HB 373**, relative to unlawful possession of alcohol by a minor.
- HB 374-FN-A**, increasing the appropriation to the fireman's relief fund.
- HB 385-FN**, relative to licensing and insurance fees.
- HB 399**, relative to variable rates of overtime.
- HB 404-L**, prohibiting state and local law enforcement agencies from enforcing federal immigration laws.
- HB 415-FN**, establishing a geothermal assessment project.
- HB 432-FN**, relative to age requirements for cocktail lounges.
- HB 436**, expanding employee freedom of expression to all public employees.
- HB 441-FN-A**, establishing a non-motorized trails grant program and making an appropriation therefor.
- HB 442-FN**, prohibiting unconscionable prices for essential commodities during a declared state of emergency.
- HB 443**, relative to requirements for admission to the New Hampshire bar upon motion.
- HB 445-FN-L**, relative to the assessment of open space land.
- HB 449-FN**, relative to motor vehicle inspections.
- HB 454**, relative to meetings of the supervisors of the checklist.
- HB 455**, repealing the law relative to screening panels for medical injury claims.
- HB 461**, relative to purchasing alliances.
- HB 467**, establishing a state climate change policy commission and developing a climate action plan and to report on climate change issues.
- HB 474**, excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities.
- HB 485**, exempting tidal waters from the general rules for vessels operating on water.
- HB 492**, relative to consumer protection in telecommunication contracts.
- HB 493-FN-A**, expanding the meals and rooms tax on rentals to include motorized recreational vehicles.
- HB 502-FN-A-L**, allowing foster families to receive subsidies for foster children attending postsecondary educational facilities and establishing a scholarship fund for foster children.
- HB 503-FN**, relative to establishing a solid waste management fund and assessing a surcharge for the disposal of solid waste.
- HB 520-FN-A**, establishing a state-owned casino to provide funds for public education.
- HB 522**, requiring the supreme court to notify the legislature of any pending cases or matters before the court which involve constitutional issues regarding current law or pending legislation.
- HB 527-FN-A**, establishing a recreational saltwater license for fishing of marine species in coastal and estuarine waters.
- HB 535-FN**, establishing a regional license suspension hearing pilot program.
- HB 537**, establishing a task force on homeless teenagers.
- HB 540-FN-A**, relative to solid waste reduction, establishing a solid waste disposal fee, and renaming the recycling market development steering committee.
- HB 544**, relative to exemptions from auctioneering for Internet sales.
- HB 555**, relative to certain disclosures by campaign workers.
- HB 560-FN**, relative to insurance coverage for prostate cancer testing.
- HB 561-FN**, relative to pharmacy benefit managers.
- HB 563**, relative to obtaining birth certificates for stillborn children.
- HB 570-FN-A**, increasing the fee for a wild turkey hunting license.
- HB 574-FN-L**, relative to preservation of electronic voting machine data.
- HB 576-FN-A**, increasing certain fish and game nonresident license or permit fees.
- HB 577-FN**, establishing the number of associate justices of the superior court.
- HB 578-FN**, providing a definition of an adequate education and establishing an adequacy board.
- HB 581-FN**, relative to the penalty for purposely mistreating service dogs.
- HB 582-FN-A**, relative to the bridge over the Merrimack River.



**HB 584-FN**, raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age.

**HB 585-FN**, requiring all animal shelter facilities, pet shops and commercial kennels to collect a neutering deposit when placing a cat or dog that has not been neutered.

**HB 589-FN**, relative to the calculation of concurrent and consecutive terms of imprisonment.

**HB 592-FN**, relative to tolls on the Everett Turnpike.

**HB 594-FN**, granting group II retirement system status to certain positions in the department of corrections.

**HB 595-FN**, establishing a sentence reduction method for state prisoners.

**HB 596-FN**, relative to a retirement system calculation exemption for certain retired teachers of the Concord school district.

**HB 603-FN**, establishing a task force on mental health costs and requiring the commissioner of the department of corrections to enroll any person being released from a correctional facility in any available free or reduced cost drug program.

**HB 610-FN-A**, requiring the criminal justice and public safety committee to review motor vehicle fines and extending the effective date for certain motor vehicle fine reductions.

**HB 617-FN-L**, establishing a property tax relief program and fund and making an appropriation therefor.

**HB 618-FN-A**, establishing a research and development credit against the business profits tax and the business enterprise tax.

**HB 620-FN**, repealing the statutory provisions regarding small loans, title loans, and payday loans and establishing a general statutory usury rate.

**HB 628-FN-A**, establishing the New Hampshire Rx advantage program and continually appropriating a special fund.

**HB 630-FN**, relative to an electronic controlled drug prescription monitoring program.

**HB 632-FN**, relative to the penalty for death resulting from the trafficking of controlled drugs.

**HB 637-FN-A-L**, establishing a gaming oversight authority and video lottery gaming.

**HB 640-FN**, relative to requiring reimbursement of search and rescue costs of the fish and game department.

**HB 642-FN**, relative to educational accountability programs.

**HB 643-FN**, relative to the distribution of tobacco settlement funds.

**HB 647**, relative to indicating citizenship on drivers' licenses and nondrivers' identification cards.

**HB 656-FN**, relative to the issuance of identification cards to individuals who lack the ability to obtain a nondriver's picture identification card.

**HB 666-FN**, establishing a license fee for the sale of animal vaccines.

**HB 671**, relative to certain data used for workers' compensation rates.

**HB 677-FN**, relative to special education procedural safeguards and the dispute resolution process.

**HB 678-FN**, revising the special education program approval and monitoring process.

**HB 679-FN-L**, relative to delivery of special education services.

**HB 682**, relative to the court's authority to award parental rights and responsibilities to a "psychological parent."

**HB 683**, relative to nominations by party committees.

**HB 686-FN**, relative to the regulation of tracking devices.

**HB 690**, relative to job skill training in volunteer work by unemployed individuals.

**HB 696**, reclassifying certain positions in the insurance department.

**HB 702**, relative to the court's jurisdiction over persons between the ages of 18 and 21 in abuse and neglect cases.

**HB 711-FN**, requiring insurance coverage for the cost of hormone treatment drugs for transsexuals.

**HB 717**, allowing municipalities to establish local community services and care planning boards.

**HB 729**, relative to prohibitions on reproducing drivers' licenses and identification cards and copying information in motor vehicle records.

**HB 730**, increasing the maximum fine for speeding in a highway construction or maintenance zone.

**HB 734**, establishing a committee to study requiring certain nonresidential property owners to submit income and expense information for determining property value for tax purposes.

**HB 740-FN**, relative to mental health services.

**HB 752-FN**, relative to per pupil funding for charter school pupils.

**HB 759-FN**, relative to administration and enforcement of banking laws.

- HB 763-FN**, establishing the licensure and regulation of residential and building inspectors.
- HB 765-FN**, relative to procedures for determination of special education costs, payment liability, and rate setting.
- HB 766-FN**, making changes to the laws relating to special education.
- HB 771-FN**, extending medical and surgical benefits to domestic partners.
- HB 773**, excluding noise violations from the crime of disorderly conduct.
- HB 776-FN**, establishing the licensure and regulation of private investigators.
- HB 777-FN-A**, relative to agricultural exemptions from alteration of terrain permitting requirements and penalties for site development.
- HB 778-FN-A-L**, relative to a preeminent scholastic educational foundation.
- HB 779-FN**, relative to funding of retirement system benefits and supplemental allowances.
- HB 781-FN**, relative to the duties of the department of safety.
- HB 786-FN**, relative to compensation for retired full-time justices for service after retirement.
- HB 789-FN-A-L**, providing supplemental education grants for certain school districts.
- HB 792-FN**, prohibiting convicted felons from profiting from their crimes.
- HB 794-FN**, relative to campaign contributions and expenditures.
- HB 799-FN**, establishing a criminal usury rate for interest rates.
- HB 809**, relative to restrictions on political advertising.
- HB 810**, establishing a commission to prepare a master plan for Mount Sunapee state park, Sunapee state beach, Pillsbury state park, Wadleigh state park, Rollins state park, and Winslow state park.
- HB 814-FN**, relative to the judicial retirement plan.
- HB 818**, establishing a committee to study reestablishing the port authority as an independent agency.
- HB 823-FN**, relative to state and municipal contracting practices for public works.
- HB 830-FN-A**, relative to milk support prices in New Hampshire.
- HB 837**, relative to easements and the land and community heritage investment program and creating a farm viability program.
- HB 839**, establishment of maximum retail fluid milk prices.
- HB 841**, relative to the appointment of parenting coordinators.
- HB 842**, establishing safety requirements and procedures for firefighters.
- HB 847**, relative to general rules for vessels operating on water.
- HB 855**, relative to renewable energy generation incentive payments.
- HB 856**, relative to the definition of veteran.
- HB 858-FN**, relative to discount medical plan organization.
- HB 861-FN**, allowing certain active duty members of the United States armed forces and their dependents to attend public postsecondary institutions at the in-state resident tuition rate.
- HB 865-FN**, relative to an adequate education and state education grants.
- HB 868-FN**, relative to a surcharge on recording documents with the register of deeds to fund the land and community heritage investment program.
- HB 877-FN**, relative to the state recycling program.
- HB 878-FN**, relative to drivers' licenses issued to persons 70 years of age and older and relative to the medical/vision advisory board.
- HB 884-FN-A**, increasing the rate of the tobacco tax.
- HB 886-FN-A-L**, relative to funding an adequate education.
- HB 887-FN**, allowing certain members of the United States armed forces, including the reserve component, and veterans who qualify for the Montgomery GI Bill, to take courses tuition free at public postsecondary institutions.
- HB 888-FN-A**, relative to instructional and operational costs of providing an adequate education.
- HB 893-FN**, relative to long-term care.
- HB 894-FN**, requiring insurance coverage for bariatric surgery for diabetics.
- HB 901**, relative to requirements for non-driver identification cards.
- HB 904-FN-L**, defining an adequate education and relative to calculating the cost of an adequate education and adequate education grants.
- HB 908-FN**, relative to the licensure and regulation of massage therapists and registration of somatic and bodywork practitioners.
- HB 910-FN**, relative to state reimbursement to sheriffs' departments for the costs associated with court bailiffs.
- HB 912-FN-A-L**, establishing the New Hampshire homestead plan.

**HB 916**, relative to nonpublic or private schools receiving public funds.

**HB 919**, relative to the high school curriculum for New Hampshire history.

**HB 924-FN**, relative to the deconstruction of buildings.

**HB 925-FN-A**, relative to state and local taxes.

**HCR 7**, urging federal action on the earned income tax credit and other tax benefits related to child custody.

**CACR 2**, relating to the definition and constitutionality of judicial and legislative acts. Providing that the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts.

**CACR 6**, relating to education funding. Providing that the state may meet its funding obligations under Article 83 by providing aid only to those communities that, in the reasonable judgment of the general court, are in need of such aid.

**CACR 8**, relating to the term of office of the governor and the election of the attorney general. Providing that the governor's term of office shall be 4 years and that the attorney general shall be elected by the house of representatives and the senate.

**CACR 9**, relating to registers of probate. Providing that the requirement that registers of probate be elected be removed.

**CACR 14**, relating to cherishing public schools. Providing that state aid to public schools cannot decrease unless the number of students decreases.

**SB 32-FN**, increasing the maximum amount of debt or damages for small claims actions.

**SB 45**, changing the name of the ballot law commission to the elections and ballot law commission, increasing the membership of the commission, and requiring the commission to propose redistricting plans.

**SB 63**, authorizing the commissioner of revenue administration to extend tax filing deadlines for certain members of the armed forces.

**SB 84**, establishing procedural requirements to improve implementation of the 10-year highway plan.

**SB 85**, relative to eligibility for the property tax exemption for the disabled.

**SB 94**, relative to the office of information technology.

**SB 102-FN**, relative to the powers of state government in the event of an incident or outbreak of communicable disease.

**SB 117-FN**, relative to fireworks display permits and the position of permissible fireworks inspector.

**SB 131**, relative to insurance coverage for services of midwives.

**SB 146-FN**, relative to allowing service credit for certain court system employment.

**SB 166-FN**, relative to port moorings.

**SB 172-FN-L**, allowing counties to share correctional facilities.

**SB 173**, relative to regulation of private postsecondary career schools.

**SB 179-FN-A**, establishing an automated external defibrillator advisory commission.

**SB 201**, authorizing certain Keene state college campus safety officers to detain individuals pending arrest or protective custody.

**SB 236**, extending the authority for police mutual aid.

**SB 251**, allowing the board of medicine to issue licenses for physicians to engage in a correctional institution medical practice.

**At the time of adjournment from the 2007 session, the following House bills remained in Senate Committees:**

**HB 63**, relative to conflicts of interest involving county officers and employees.

**HB 115**, relative to the procedure for counties to apply for, accept, and expend federal, state, or other grants.

**HB 232**, relative to retaliatory rent increases and mediation of manufactured housing park disputes.

**HB 254**, relative to mandatory employer meetings about political and religious beliefs, including beliefs about joining a union.

**HB 281**, relative to the cancellation of buying club memberships.

**HB 304**, relative to the criteria under which guardianship over a minor is granted.

**HB 351**, clarifying that the definition of "overseas business organization" includes all foreign incorporated business organizations and all 80/20 business organizations, and redefining "business activity" for purposes of the business profits tax.

**HB 367**, relative to incompatible offices.

**HB 379**, relative to the adoption, revision, and amendment of municipal charters.

**HB 380**, relative to the forms of government under town charters.

**HB 392**, relative to the use of property held by the state of New Hampshire under an easement specifying low impact recreational use only.

**HB 456**, limiting liability for town health officers and overseers of public welfare when acting in the course of their official duties.

**HB 460**, relative to conservation restrictions to protect public water supplies.

**HB 463**, relative to the awarding parental rights and responsibilities to a stepparent or grandparent.

**HB 539-FN**, relative to manslaughter.

**HB 692**, allowing certain municipalities in economically depressed counties to adopt a property tax exemption for industrial construction.

**HB 715**, establishing a committee to study the state heritage collections committee and the joint legislative historical committee.

**HB 754-FN**, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority.

**HB 867-FN-L**, relative to parent liability for court-ordered services in juvenile proceedings.

**HCR 6**, urging Congress to prevent the implementation of the North American Free Trade Agreement superhighway system.

**HCR 8**, urging Congress to rename the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital.

**At the time of adjournment from the 2007 session, the following House bills remained laid on the table in the Senate:**

**HB 51**, permitting adoption by 2 unmarried adults in a familial relationship.

**HB 88**, establishing a committee to study single payer health care.

**HB 146**, relative to nicknames on ballots.

**HB 203**, relative to protections for temporary workers.

**HB 239-FN-A**, appropriating funds to the barn preservation fund matching grants program.

**HB 244**, repealing a certain provision of law regarding advance directives and mentally incompetent or developmentally disabled persons.

**HB 263-FN**, relative to health insurance riders.

**HB 504-FN**, relative to registration requirements for certain criminal offenders under age 21.

**HB 513**, establishing a housing commission.

**HB 523**, relative to lobbyist registration and statements, and regulation of volunteer public service.

**HB 638-FN**, relative to lease agreements entered into by the department of transportation.

**HB 749**, changing the position of forensic toxicologist within the department of safety from an unclassified to a classified position.

Attested by  
Karen O. Wadsworth  
Clerk of the House

**CHAPTER STUDY COMMITTEES AMENDED/REPORT DATES  
EXTENDED BY 2007 CHAPTERS**

**COMMISSION TO DETERMINE THE APPROPRIATE PUBLIC USE OF FLOOD-DAMAGED PROPERTY PURCHASED BY THE STATE** (HB 1767, Chapter 256:4, Laws of 2006). Amended by HB 118, Chapter 7:2, Laws of 2007.

**COMMITTEE TO STUDY FUNDING NECESSARY TO OPERATE THE HAZARDOUS MATERIALS PROGRAM IN NEW HAMPSHIRE** (SB 255, Chapter 121:1, Laws of 2006). Amended by SB 207, Chapter 198:1, Laws of 2007.

**JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES IMPROVEMENT AND PROCESS STUDY** (HB 1351, Chapter 145:10, Laws of 2006). Amended by HB 249, Chapter 80:2, Laws of 2007.

**STATUTORY COMMITTEES AMENDED**

**ADMINISTRATIVE RULES** (RSA 541-A:2). Amended by HB 249, Chapter 80:1, Laws of 2007.

**ADVISORY COUNCIL ON CHILD CARE** (RSA 126-A:17). Amended by SB 82, Chapter 361:9, Laws of 2007.

**AUTOMOTIVE TECHNOLOGY ADVISORY COUNCIL** (RSA 188-E:20). Amended by SB 82, Chapter 361:19, Laws of 2007.

**CHRISTA MCAULIFFE PLANETARIUM COMMISSION** (RSA 12-L:3). Amended by HB 928, Chapter 39:1, Laws of 2007.

**COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION** (RSA 195-H:2). Amended by SB 245, Chapter 196:1, Laws of 2007 and SB 82, Chapter 361:27, Laws of 2007.

**DEVELOPMENTAL DISABILITY WAITLIST OVERSIGHT COMMITTEE** (RSA 171-A:1-c). Amended by SB 138, Chapter 363:7, Laws of 2007.

**DROPOUT PREVENTION AND DROPOUT RECOVERY OVERSIGHT COUNCIL** (RSA 189:60). Amended by SB 82, Chapter 361:26, Laws of 2007.

**GUARDIANS AD LITEM BOARD** (RSA 490-C:1). Amended by SB 82, Chapter 361:29, Laws of 2007.

**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE** (RSA 126-A:13). Amended by HB 688, Chapter 181:4, Laws of 2007.

**HEALTHY KIDS CORPORATION** (RSA 126-H:3). Amended by SB 192, Chapter 345:1, Laws of 2007.

**IMPROVING THE QUALITY OF VITAL RECORDS INFORMATION** (RSA 126:24-h). Amended by HB 362, Chapter 85:2, Laws of 2007.

**JUDICIAL RETIREMENT BOARD OF TRUSTEES** (RSA 100-C:11). Amended by SB 178, Chapter 313:1, Laws of 2007.

**NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS** (RSA 227-M:4). Amended by HB 498, Chapter 375:2, Laws of 2007.

**OVERSIGHT COMMITTEE TO REVIEW THE ALLOCATION OF FUNDS TO PERSONS WITH DISABILITIES** (RSA 171-A:1-c). Amended by SB 138, Chapter 363:7, Laws of 2007.

**PUBLIC HIGHER EDUCATION STUDY COMMITTEE** (RSA 187-A:25-a). Amended by SB 82, Chapter 361:11, Laws of 2007.

**RETIREMENT SYSTEM ADMINISTRATION** (RSA 100-A:14). Amended by HB 653, Chapter 268:3, Laws of 2007.

**SKYHAVEN AIRPORT OPERATION COMMISSION** (RSA 422:37). Amended by SB 160, Chapter 342:1, Laws of 2007.

**STATE ENERGY POLICY COMMISSION** (HB 1146, Chapter 257:1, Laws of 2006). Amended by SB 140, Chapter 364:8, Laws of 2007.

**STATE VETERANS' ADVISORY COMMITTEE** (RSA 115-A:2). Amended by SB 50, Chapter 109:1, Laws of 2007.

**TELECOMMUNICATIONS OVERSIGHT** (RSA 374:22-h). Amended by HB 917, Chapter 229:1, Laws of 2007.

**TOBACCO USE ADVISORY COMMITTEE** (RSA 126-K:19). Amended by HB 2, Chapter 263:114, Laws of 2007.

### **STATUTORY COMMITTEES REPEALED**

**GRANT REVIEW COMMITTEE** (RSA 188-F:52). Repealed by SB 97, Chapter 204:4, Laws of 2007.

**TANF ADVISORY COUNCIL** (RSA 167:93-b). Repealed by SB 226, Chapter 349:19, Laws of 2007.

### **2007 CHAPTER STUDIES**

#### **HB 2 (Chapter 263:23, Laws of 2007) – COMMISSION TO STUDY THE IMPLEMENTATION OF THE PROCEDURE FOR COUNTY PAYMENTS FOR NURSING HOME CARE AND HOME AND COMMUNITY-BASED CARE.**

Reps. John DeJoie (Finance) and Fran Wendelboe (Finance), appointed by the Speaker of the House of Representatives.

Sens. Kathleen G. Sgambati (Finance) and Bob Odell, appointed by the President of the Senate.

Nancy E. Cook, Belknap County; Forrest W. Painter, Carroll County; Suzanne L. Collins, Coos County; Nancy Bishop, Grafton County; Tony Pappas, Hillsborough County; JD Colcord, Merrimack County; Katherin K. Pratt, Rockingham County; George Magloras, Strafford County; Ed Gil deRubio, Sullivan County - one member representing each county in the state, each of whom is an officer or employee of the county having knowledge and experience in the finance and administration of county nursing homes, appointed by the County Commissioners.

John Wallace, designee of the Commissioner of the Department of Health and Human Services.

#### **HB 2 (Chapter 263:44, Laws of 2007) – LCHIP FUNDING COMMITTEE.**

Sens. Martha Fuller Clark, Harold Janeway and Bob Odell, appointed by the President of the Senate.

Reps. Judith T. Spang, Frank A. Tupper and Neal M. Kurk, appointed by the Speaker of the House of Representatives.

#### **HB 2 (Chapter 263:49, Laws of 2007) – COMMISSION RELATIVE TO COURT SECURITY ISSUES.**

Hon. Richard E. Galway, appointed by the Chief Justice of the Supreme Court.

James A. Hardy, Goffstown, appointed by the New Hampshire Sheriff's Association.

Stephen Lorentzen, appointed by the Commissioner of Administrative Services.

Reps. William V. Knowles (Criminal Justice and Public Safety), David E. Cote (Judiciary) and Kenneth H. Gould (Finance), appointed by the Speaker of the House of Representatives

Sens. Maggie Wood Hassan (Finance) and Robert E. Clegg, Jr., (Judiciary), appointed by the President of the Senate.

#### **HB 2 (Chapter 263:57, Laws of 2007) – COMMISSION TO STUDY THE CONSOLIDATION AND CENTRALIZATION AT THE DEPARTMENT OF JUSTICE OF LEGAL SERVICES BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER DEPARTMENTS.**

Reps. Bette R. Lasky and Maureen C. Mooney, appointed by the Speaker of the House of Representatives.

Sens. Kathleen G. Sgambati and Michael Downing, appointed by the President of the Senate.

Ann Larney, Esq., Nashua and Stephen Judge, Esq., Manchester, appointed by the Governor.

Orville Fitch, designee of the Attorney General.

Mary Castelli, designee of the Commissioner of the Department of Health and Human Services.

Dana Bisbee, Portsmouth, member of the New Hampshire Bar Association who has both government service experience and experience in the private sector management of a large law firm, appointed by the Attorney General.

**HB 25 (Chapter 264:11, Laws of 2007) – COMMISSION TO STUDY THE TRANSFER OF ROAD TOLL COLLECTIONS TO THE DEPARTMENT OF REVENUE ADMINISTRATION.**

Reps. David B. Campbell, Gene G. Chandler and Robert A. Foose, appointed by the Speaker of the House of Representatives.

Sens. Maggie Wood Hassan, Lou D'Allesandro and Robert E. Clegg, Jr., appointed by the President of the Senate.

Earl M. Sweeney, designee of the Commissioner of Safety.

G. Philip Blatsos, Commissioner of Revenue Administration.

**HB 32 (Chapter 64:1, Laws of 2007) – COMMISSION TO STUDY VOTER REGISTRATION CARDS.**

Reps. Claudia A. Chase (Election Law) and David M. Pierce (Election Law), appointed by the Speaker of the House of Representatives.

Reps. Shawn N. Jasper and Richard B. Drisko, members of the Election Law Committee of the House of Representatives, appointed by the minority party leader.

One city clerk, appointed by the New Hampshire City and Town Clerks Association.

One town clerk, appointed by the New Hampshire City and Town Clerks Association.

David Scanlan, designee of the Secretary of State.

**HB 43 (Chapter 205:2, Laws of 2007) – COMMITTEE TO STUDY MEDICAID PAYMENTS FOR HOSPITAL-BASED PHYSICIAN OUTPATIENT SERVICES.**

Reps. Sharon L. Nordgren, Kathleen T. Russell, Martha McLeod and Susan Emerson, appointed by the Speaker of the House of Representatives.

Sens. Kathleen G. Sgambati and Peter H. Burling, appointed by the President of the Senate.

**HB 54 (Chapter 273:1, Laws of 2007) – COMMISSION TO STUDY AUTOMOBILE RECYCLING ISSUES.**

Reps. Peter B. Schmidt, J. David Knox and Brenda L. Ferland, appointed by the Speaker of the House of Representatives

Sen. Betsi DeVries, appointed by the President of the Senate.

Pamela Hoyt-Denison, designee of the Commissioner of the Department of Environmental Services.

Officer Edward Kinzer, designee of the Commissioner of the Department of Safety.

Lyle Knowlton, designee of the Commissioner of the Department of Transportation.

Jeff Kantor, Dunbarton, appointed by the Auto & Truck Recyclers Association of New Hampshire.

Jeanne Schmeichel, Everett, representing the scrap processors industry, appointed by the Speaker of the House of Representatives.

Greg Dana, representative from the Alliance of Automobile Manufacturers, appointed by the Speaker of the House of Representatives.

Dan Bennett, Concord, appointed by the New Hampshire Automobile Dealers Association.

William Hallock, Candia, appointed by the New Hampshire Municipal Association.

One representative from Northeast Resource Recovery Association, appointed by said association.

Matthew McKenzie, Portland, representative from the insurance industry, appointed by the Speaker of the House of Representatives.

**HB 86 (Chapter 158:1, Laws of 2007) – COMMITTEE TO STUDY EDUCATIONAL AND SOCIAL SERVICES PROGRAMS THAT SERVE FAMILIES WITH CHILDREN 6 YEARS OLD AND YOUNGER.**

Reps. Mary Stuart Gile, Carolyn M. Gargas and Nancy F. Stiles, appointed by the Speaker of the House of Representatives.

**HB 89 (Chapter 28:1, Laws of 2007) COMMISSION TO STUDY DISPUTE RESOLUTION BETWEEN LOCAL POLITICAL SUBDIVISIONS AND PUBLIC EMPLOYEES IN NEW HAMPSHIRE.**

Reps. Jeffrey P. Goley (Labor, Industrial and Rehabilitative Services), Sally H. Kelly (Labor, Industrial and Rehabilitative Services) and Gary L. Daniels (Labor, Industrial and Rehabilitative Services), appointed by the Speaker of the House of Representatives.

Sens. David M. Gottesman, Deborah R. Reynolds and John S. Barnes, Jr., appointed by the President of the Senate.

**HB 103 (Chapter 207:1, Laws of 2007) – COMMISSION TO STUDY THE STATE HIGHWAY TRUST FUND.**

Reps. Candace C.W. Bouchard, John R. Cloutier and John A. Graham, appointed by the Speaker of the House of Representatives.

Sens. Lou D'Allesandro, Peter H. Burling and Robert J. Letourneau, appointed by the President of the Senate.

Linda Hodgdon, appointed by the Governor.

**HB 148 (Chapter 245:1, Laws of 2007) – COMMISSION TO STUDY PHARMACEUTICAL COSTS AND THE 340B DRUG PRICING PROGRAM.**

Reps. Cindy Rosenwald, Martha McLeod and Gene P. Charron, appointed by the Speaker of the House of Representatives.

Sens. Kathleen G. Sgambati and Robert E. Clegg, Jr., appointed by the President of the Senate.

Marc M. Sadowsky, MD, Nashua, physician licensed under RSA 329, appointed by the New Hampshire Medical Society.

Henry Lipman, Laconia, appointed by the New Hampshire Hospital Association.

Edward Shanshala, appointed by the Director of the New Hampshire Division of the Bi-State Primary Care Association.

Richard Silverberg, Franklin and Gail T. Brown, Esq., Concord, members representing 340B covered entities, one entity currently offering 340B pharmacy services and one entity eligible to participate but not currently providing 340B services, appointed by the director of the New Hampshire Division of the Bi-State Primary Care Association.

Al Wright, Rockingham County Corrections Superintendent, appointed by the New Hampshire Association of Counties.

Dick Fortier, Londonderry, nursing home administrator, appointed by the New Hampshire Health Care Association.

Francis J. Cassidy, Rochester, representative of a 340B contract pharmacy, appointed by the New Hampshire Pharmacy Board.

Dr. Doris Lotz, designee of the Commissioner of the Department of Health and Human Services.

Dr. Robert MacLeod, designee of the Commissioner of the Department of Corrections.

Mike Connor, designee of the Commissioner of Administrative Services.

Susan Presby, Littleton, designee of the Governor.

**HB 207 (Chapter 162:1, Laws of 2007) – COMMISSION TO STUDY AND MAKE RECOMMENDATIONS ON THE EXPANSION OF THE NEW HAMPSHIRE AGRICULTURAL INNOVATION PROGRAM.**

Reps. James G. Phinizy and Timothy D. O'Connell appointed by the Speaker of the House of Representatives.

Sen. John T. Gallus, appointed by the President of the Senate.

Gail McWilliam Jellie, designee of the Commissioner of the Department of Agriculture, Markets and Food.

Michael Sciabarrasi, designee of the Dean of the University of New Hampshire Cooperative Extension.

Robert Johnson, II, Executive Director of the New Hampshire Farm Bureau Federation.

Paul Doscher, Society for the Protection of NH Forests + 1 other member representing land protection organizations, appointed by the Governor.

Lisa Derby Oden, New Ipswich, Henry Ahern, Plymouth and Nancy Franklin, Plainfield, representing production agriculture, appointed by the Governor.

Bob Wellington, Hooksett and Rick DeMark, Laconia, representing agricultural support businesses, appointed by the Governor.

**HB 216 (Chapter 31:1, Laws of 2007) GREAT BAY ESTUARY COMMISSION TO STUDY CAUSES, EFFECTS AND REMEDIATION OF SILTATION.**

Reps. Judith T. Spang (Resources, Recreation and Development), Dennis F. Abbott and Harry C. Merrow, appointed by the Speaker of the House of Representatives.

Sens. Martha Fuller Clark and Maggie Wood Hassan, appointed by the President of the Senate.

Geno J. Marconi, Director of the Division of Ports and Harbors, Pease Development Authority.

Dr. Fred Short and Dr. Larry Ward from the Jackson Estuarine Laboratory, appointed by the President of the University of New Hampshire.



Ray Konisky, Newmarket, appointed by the Nature Conservancy.

Ted Diers, appointed by the Commissioner of the Department of Environmental Services.

One representative of the Strafford Regional Planning Commission, appointed by that commission.

Bruce Dearborn, Greenland, appointed by the Rockingham Regional Planning Commission.

Alison Watts, Newfields and Justin Richardson, Newington, representing conservation commissions in estuarine towns, appointed by the Governor.

The manager of the Great Bay Estuarine Research Reserve or designee.

John Nelson, designee of the Executive Director of the Fish and Game Department.

Jennifer Hunter, Director of the New Hampshire Estuaries Project.

Ellen Griffin Saas, Newington and Peter Whelan, Portsmouth, representing water-related recreational interests, appointed by the Governor.

Two representatives of water-dependent commercial interests, appointed by the Governor.

**HB 217 (Chapter 77:1, Laws of 2007) – COMMITTEE TO STUDY THE NEW HAMPSHIRE PARK AND RIDE PROGRAM.**

Reps. David B. Campbell, James B. Rausch, Robert W. Williams and Jennifer M. Brown, appointed by the Speaker of the House of Representatives.

Sen. Joseph D. Kenney, appointed by the President of the Senate.

**HB 305 (Chapter 248:1, Laws of 2007) – TASK FORCE TO DEVELOP LEGISLATION FOR EXPANDING ACCESS TO AFFORDABLE HEALTH INSURANCE FOR THE 2008 AND 2009 LEGISLATIVE SESSION.**

Reps. Stephen T. DeStefano, Martha McLeod and Charles L. Clark, appointed by the Speaker of the House of Representatives.

Sen. Kathleen G. Sgambati, appointed by the President of the Senate.

Leslie Ludtke, designee of the Commissioner of the Insurance Department.

Steve Mosher, designee of the Commissioner of the Department of Health and Human Services.

Katja Fox, representing the Governor's office, appointed by the Governor.

Gail Brown, Concord, representing the New Hampshire Community Health Centers, appointed by the Governor.

Bruce King, New London, appointed by the New Hampshire Hospital Association.

Palmer P. Jones, appointed by the New Hampshire Medical Society.

A representative of the Endowment for Health, appointed by such organization.

Steve Norton, Concord, appointed by the New Hampshire Center for Public Policy Studies.

Thomas Bunnell, representative of the Institute for Health, Law and Ethics at Franklin Pierce Law Center, appointed by the Dean of the Law Center.

Beth Roberts, Bedford, representative of the health insurance industry, appointed by the Insurance Commissioner.

A representative of small business, appointed by the Governor.

Laura Haney, Bow, representative of organized labor, appointed by the Governor.

Tricia Brooks, Concord, appointed by the New Hampshire Healthy Kids Corporation.

Paul Spiess, Amherst, representing the New Hampshire Citizens Health Initiative, appointed by the Governor.

Bob Tibbetts, Alton, health care consumer, appointed by the Governor.

**HB 306 (Chapter 373:2, Laws of 2007) – TASK FORCE ON WORK AND FAMILY.**

Reps. Mary Stuart Gile and Randolph N.S. Holden, appointed by the Speaker of the House of Representatives.

Sens. Martha Fuller Clark and Sheila Roberge, appointed by the President of the Senate.

Amy Howell, Portsmouth, appointed by the Governor.

Kelly A. Clark, Manchester, appointed by AARP.

Jackie Cowell, Concord, appointed by Early Learning NH.

Sylvia Gale, appointed by the Commission on the Status of Women.

Mike Gesnoulis, Newcastle, appointed by the Commission on the Status of Men.

A representative of the New Hampshire Child Care Resource and Referral Network, appointed by that organization.

Richard S. Brothers, Commissioner of the Department of Employment Security.

Michele Small, designee of the Commissioner of Labor.

Terry Smith, designee of the Commissioner of the Department of Health and Human Services.  
 Annie Farnsworth, PhD, Concord, appointed by the New Hampshire Women's Lobby  
 Katie Merrow, Concord, appointed by the New Hampshire Women's Policy Institute.  
 Mark T. Broth, Esq., Manchester, representative of the Business and Industry Association of New Hampshire, appointed by the association.

A representative of the Small Business Administration of New Hampshire, appointed by that organization.

Dr. Mark Edelstein, Laconia, representing a local chamber of commerce, appointed by the Governor.

Daniel W. Griffiths, Windham, appointed by the Greater New Hampshire Human Resource Association.

Kirstin Smith, Durham, appointed by the Carsey Institute.

A representative of the New Hampshire Children's Trust Fund, appointed by that organization.

Cynthia Billings, Chichester, appointed by Plus Time NH.

Michael Perez, appointed by the Executive Director, New Hampshire Legal Assistance.

Malcolm Smith, appointed by the University of New Hampshire Cooperative Extension.

Ellen Fineberg, Portsmouth, appointed by the Women's Business Center.

Sheri Parnell, Concord, appointed by Child and Family Services.

Destie Hohman Sprague, Concord, appointed by the New Hampshire Children's Alliance.

Joan Fossum, designee of the Commissioner of the Department of Education.

Michael Power, appointed by the chairperson of the Workforce Opportunity Council.

A member of the New Hampshire AFL-CIO, appointed by the chapter President.

#### **HB 311 (Chapter 82:1, Laws of 2007) – COMMITTEE TO REVIEW LIABILITY ISSUES FOR COMMUTER RAIL OPERATIONS.**

Reps. Peter R. Leishman, Bette R. Lasky and Marshall E. Quandt, appointed by the Speaker of the House of Representatives.

Sens. David Gottesman, Joseph A. Foster and Robert Clegg, Jr., appointed by the President of the Senate.

#### **HB 323 (Chapter 170:1, Laws of 2007) – COMMITTEE TO STUDY LIQUOR COMMISSION REVENUES, ENFORCEMENT AND TRAINING.**

Reps. Michael G. Marsh, Bernard L. Benn and David H. Kidder, appointed by the Speaker of the House of Representatives.

Sens. Deborah R. Reynolds, Michael Downing and Lou D'Allesandro, appointed by the President of the Senate.

#### **HB 396 (Chapter 171:1, Laws of 2007) – COMMISSION TO STUDY AUTISM SPECTRUM DISORDERS IN NEW HAMPSHIRE.**

Reps. Suzanne S. Butcher, Roger R. Berube and Carolyn A. Brown, appointed by the Speaker of the House of Representatives.

Sens. Molly Kelly and John T. Gallus, appointed by the President of the Senate.

Mathew Ertas, designee of the Commissioner of the Department of Health and Human Services.

Santina Thibedeau, designee of the Commissioner of the Department of Education.

Dr. Elizabeth Birnie, Deerfield, designee of the Governor.

Robin K. Abbott, Merrimack, family member of an individual with an autism spectrum disorder, appointed by the Governor.

Kirsten M. Murphy, Hanover, appointed by the New Hampshire Developmental Disabilities Council.

Michelle Jarvis, Hampton Falls, appointed by the Autism Society of New Hampshire.

Mary Schuh, PhD, appointed by the Institute on Disability, University of New Hampshire.

Dr. Carl Cooley, appointed by the New Hampshire Medical Society.

#### **HB 416, Chapter 279:2, Laws of 2007) – COMMITTEE TO STUDY METHODS OF IMPROVING THE RECYCLING RATE IN NEW HAMPSHIRE FOR MERCURY-ADDED THERMOSTATS.**

Sens. Martha Fuller Clark (Energy, Environment and Economic Development) and Bob Odell (Ways and Means), appointed by the President of the Senate.

Reps. Derek Owen (Environment and Agriculture), Michael A. Kaelin (Science, Technology and Energy) and Roger G. Wells (Ways and Means), appointed by the Speaker of the House of Representatives.

**HB 491 (Chapter 250:2, Laws of 2007) – PUBLIC HEALTH IMPROVEMENT SERVICES COUNCIL.**

Rep. Kathleen T. Russell, appointed by the Speaker of the House of Representatives.

Sen. John T. Gallus, appointed by the President of the Senate.

Mary Ann Cooney, designee of the Commissioner of Health and Human Services.

Dr. Judith Fillion, designee of the Commissioner of the Department of Education.

Richard Rumba, designee of the Commissioner of the Department of Environmental Services.

Joan Ascheim, designee of the Director of the Division of Public Health Services, Department of Health and Human Services.

Jaime Hoebeke, Manchester and Bobbie Bagley, Nashua, members with public health experience, one each from the Nashua and Manchester Health Departments, appointed by the Commissioner of Health and Human Services.

Yvonne Goldsberry, Keene and Lisa Moins, Laconia, representatives from the New Hampshire Public Health Network, appointed by the Commissioner of Health and Human Services.

Tracy Gay, Concord, appointed by the New Hampshire Public Health Association.

Beth Roberts, Bedford, New Hampshire health insurer, appointed by the Governor.

A physician licensed under RSA 329, appointed by the Governor.

Janet Atkins, Dover, representative from a community health center, appointed by the Commissioner of Health and Human Services.

Mary Vallier Kaplan, Concord, appointed by the President of Endowment for Health.

Margaret Franckhauser, Laconia, nurse licensed under RSA 326-B who is a public health nurse, appointed by the Commissioner of Health and Human Services.

Jonathan Stewart, appointed by the Community Health Institute.

Kevin Flanagan, appointed by the New Hampshire Local Government Center.

Shaun LaFrance, appointed by the New Hampshire Hospital Association.

**HB 517 (Chapter 297:1, Laws of 2007) – COMMISSION TO INVESTIGATE COST DRIVERS IN PROVIDING HEALTH CARE.**

Reps. Jennifer Daler, Cindy Rosenwald (Health, Human Services and Elderly Affairs) and James R. Martin (Commerce), appointed by the Speaker of the House of Representatives.

Sens. Maggie Wood Hassan and Sheila Roberge, appointed by the President of the Senate.

Thomas Grannemann, designee of the Commissioner of the Department of Health and Human Services.

Leslie Ludtke, designee of the Insurance Commissioner.

Dr. James W. Squires, Concord, appointed by the Endowment for Health, Inc.

Gail Brown, Concord, appointed by the Business and Industry Association of New Hampshire.

Dr. Elizabeth Malko, Manchester, representing the Insurance industry, appointed by the Governor.

Bruce Burns, appointed by the New Hampshire Hospital Association.

One member of the New Hampshire Medical Society, appointed by such society.

Kevin Dugan, Manchester, member of the New Hampshire Trial Lawyers Association, appointed by such association.

Janice Crawford (Governor's appointment), North Conway, Susan Turner (Speaker's appointment), Portsmouth + one appointed by the President of the Senate, all appointed in a manner to provide diverse geographical representation.

John Butterly, MD, appointed by Dartmouth-Hitchcock Medical Center.

Ned Helms, Director of the New Hampshire Institute of Health Policy and Practice at the University of New Hampshire.

Michael Baron, Salem, appointed by the Retail Merchants Association of New Hampshire.

**HB 533 (Chapter 326:4, Laws of 2007) – COMMISSION TO RECOMMEND A COMPREHENSIVE PROGRAM FOR INCREASING THE USE OF PASSENGER RESTRAINTS IN NEW HAMPSHIRE IN ORDER TO REDUCE MOTOR VEHICLE FATALITIES AND SERIOUS INJURIES AND THE RESULTING COSTS.**

Sens. Peter H. Burling and Michael Downing, appointed by the President of the Senate.

Reps. Sally H. Kelly, Joel F. Winters and Howard N. Cunningham, appointed by the Speaker of the House of Representatives.

Captain Chris Collitti, designee of the Commissioner of the Department of Safety.

The Commissioner of Transportation or designee.

One member of the automobile Insurance industry, appointed by the Insurance Commissioner.  
 Gary Woods, MD, Concord appointed by the New Hampshire Medical Society.

One member from the New Hampshire Emergency Nurses Association, appointed by such association.

Jeanne Erickson, Concord, appointed by the New Hampshire Association of Emergency Medical Technicians.

George Klauber, Derry, appointed by the New Hampshire Association of Fire Chiefs.

One representative of the New Hampshire Association of Chiefs of Police, appointed by such association.

Catherine H. Constanzo, Manchester, appointed by the Brain Injury Association of New Hampshire.

Claire Ebel, Concord, appointed by the New Hampshire Civil Liberties Union.

Elaine Frank, Lebanon, appointed by Safe Kids New Hampshire.

Pat Moody, Portland, appointed by the American Automobile Association.

Donna Urbanek and Nancy Brownstein, Concord, experts in the field of public relations, appointed by the President of the Senate.

Steve Gratton, Bedford, Denis Goddard, Concord and Captain Bill Simons, Dover, one of whom shall be a member of an organization that opposes mandatory seatbelts, appointed by the Speaker of the House of Representatives.

Peter M. Thomson, Concord, member of the public, appointed by the Governor.

**HB 542 (Chapter 90:1, Laws of 2007) – COMMITTEE TO STUDY THE PROCESS FOR APPROVAL OF NEW EDUCATIONAL PROGRAMS PREPARING STUDENTS TO TAKE NATIONAL LICENSING EXAMINATIONS FOR REGISTERED NURSING.**

Reps. Joan H. Schulze, A. Laurie Harding and Alida I. Millham, appointed by the Speaker of the House of Representatives.

Sen. Martha Fuller Clark, appointed by the President of the Senate.

**HB 543 (Chapter 144:1, Laws of 2007) – COMMITTEE TO STUDY THE LICENSING PROCESS FOR LICENSED ALCOHOL AND DRUG COUNSELORS.**

Reps. A. Laurie Harding (Executive Departments and Administration), Alida I. Millham (Executive Departments and Administration), Lee M. Hammond, James R. MacKay, Suzanne Harvey and William Butynski, appointed by the Speaker of the House of Representatives.

**HB 648 (Chapter 179:1, Laws of 2007) – COMMISSION TO DEVELOP A COMPREHENSIVE FLOOD MANAGEMENT PLAN.**

Reps. Vincent E. Greco (Fish and Game), David H. Russell (Resources, Recreation and Development), Peter H. Allen (Environment and Agriculture) and Gene F. Anderson (Science, Technology and Energy), appointed by the Speaker of the House of Representatives.

Sens. Maggie Wood Hassan and Harold Janeway, appointed by the President of the Senate.

Katja Fox, representing the office of the Governor, appointed by the Governor.

John Magee, appointed by the Rivers Management Advisory Committee, established in RSA 483:8.

Gary Kerr, Chichester, from the hydroelectric industry, appointed by the Governor.

Sue Desruisseaux, Goffstown, appointed by the New Hampshire Municipal Association.

Mark Zankel, Concord, appointed by the Nature Conservancy

One member of the Army Corps of Engineers, appointed by the Corps.

Michael Poirier, designee of the Director of Homeland Security and Emergency Management of the Department of Safety.

Steve Couture, designee of the Commissioner of the Department of Environmental Service.

Robert G. Beaurivage, Auburn, appointed by the New Hampshire Water Works Association.

Joanne Cassulo, designee of the Director of the Governor's Office of Energy and Planning or designee.

Stewart Yeaton, Epsom, public member representing agricultural land owners, appointed by the Governor.

Michael Andosca, Webster, shorefront property owner, appointed by the Governor.

James Gallagher, Hydrologist, appointed by the Commissioner of the Department of Environmental Services.

**HB 672 (Chapter 252:1, Laws of 2007) – COMMISSION TO STUDY REQUIREMENTS FOR SAFE AND SECURE LANDFILLS.**

Reps. Thomas R. Fargo (Science, Technology and Energy), Jane E. Beaulieu (Environment and Agriculture), Patrick T. Long (Public Works and Highways) and Elisabeth N. Sanders (Resources, Recreation and Development), appointed by the Speaker of the House of Representatives.

Sen. Martha Fuller Clark, appointed by the Senate President.

Edward Wojnowski, Hopkinton, appointed by the New Hampshire Municipal Association

Catherine Corkery, Concord, appointed by the New Hampshire Sierra Club.

One member from the Toxics Action Center, appointed by that organization.

Paul Heirtzler, designee of the Commissioner of the Department of Environmental Services.

Maureen D. Smith, designee of the Attorney General.

Karen Irwin, designee of the Commissioner of the Department of Health and Human Services.

Dr. Jenna R. Jambeck, University of New Hampshire, Department of Civil/Environmental Engineering, appointed by the Chancellor of the University System.

Charles Nelson, Salem and Michael C. Penney, Manchester, members of the business or industrial community, appointed by the Governor.

Katie Lajoie, Charlestown, member of the public, appointed by the Governor.

**HB 685 (Chapter 243:3, Laws of 2007) – COMMITTEE TO STUDY THE POLICIES AND METHODS FOR DETERMINING ELIGIBILITY FOR, AND THE AWARD OF, BENEFITS TO FAMILIES OF POLICE OFFICERS AND FIREFIGHTERS KILLED IN THE LINE OF DUTY.**

Sens. Lou D'Allesandro, Peter H. Burling and Jack S. Barnes, Jr., appointed by the President of the Senate.

Reps. Daniel A. Eaton and David A. Welch, appointed by the Speaker of the House of Representatives.

**HB 689 (Chapter 283:1, Laws of 2007) – COMMISSION TO STUDY PRODUCTION AND DISTRIBUTION OF BIODIESEL FUEL IN NEW HAMPSHIRE.**

Reps. David A. Borden, Suzanne Harvey and Richard W. Barry, appointed by the Speaker of the House of Representatives.

Sens. Harold Janeway and John S. Barnes, Jr., appointed by the President of the Senate.

Becky Ohler, designee of the Commissioner of the Department of Environmental Service.

Joseph Broyles, designee of the Director of the Office of Energy and Planning.

Tom Jelley, designee of the Commissioner of the Department of Transportation.

Dr. Kelly Giraud Cullen, professor of agribusiness from the University of New Hampshire, appointed by the President of the University.

Richard Uncles, designee of the Commissioner of the Department of Agriculture, Markets and Food.

Scott Bryer, designee of the Commissioner of the Department of Safety.

Matt Tansey, designee of the Commissioner of the Department of Resources and Economic Development.

Dr. Ihab Farag, Chemical Engineering, member of the faculty of the University of New Hampshire, appointed by the President of the University.

Dr. Melinda Treadwell, appointed by the President of Keene State College.

A representative from the motor transport industry.

Robert E. Garside, Fremont, representative from the fuel dealers business.

**HB 694 (Chapter 222:1, Laws of 2007) – COMMISSION TO STUDY THE FEASIBILITY OF TIDAL POWER GENERATION UNDER THE LITTLE BAY AND GENERAL SULLIVAN BRIDGES IN DOVER.**

Reps. Marcia G. Moody, Roland P. Hofemann and John H. Thomas, appointed by the Speaker of the House of Representatives.

Sens. Martha Fuller Clark and Jacalyn L. Cilley, appointed by the President of the Senate.

Chris Waszczuk, designee of the Commissioner of the Department of Transportation.

Jack Ruderman, designee of the Director of the Office of Energy and Planning.

Michael Harrington, designee of the Executive Director of the Public Utilities Commission.

Sean McDermott, Gloucester, designated by the Regional Administrator of the Northeast Regional Office of the National Marine Fisheries Service.

Thomas Fargo, representing the city of Dover, designated by the City Council.  
 Jack Pare, Newington, designated by the Newington Board of Selectmen.  
 Cynthia Copeland, Dover, designee of the New Hampshire Estuaries Project.  
 Ted Diers, designee of the Commissioner of the Department of Environmental Services.  
 Peter Wellenberger, Durham, designee of the Chief of the Fish and Game Department, Division of Marine Fisheries.

Geno Marconi, Director of the Pease Development Authority, Division of Ports and Harbors.  
 Eric Anderson, Portsmouth, appointed by the New Hampshire Commercial Fishermen's Association.

Nancy Borden, New Castle, member of the public, appointed by the Governor.

Eric Stelzer, Rockingham Planning Commission and Joel Harrington, Nature Conservancy, Concord, members of different environmental protection or advocacy organizations, appointed by the Governor.

Dr. Ken Baldwin, Mechanical Engineering, appointed by the President of the University of New Hampshire.

Otis Perry, Dover, appointed by the Office of the Consumer Advocate.

#### **HB 699 (Chapter 253:1, Laws of 2007) – COMMISSION TO STUDY METHODS AND COSTS OF SEWAGE, SLUDGE AND SEPTAGE DISPOSAL.**

Reps. Scott A. Merrick, Deborah H. Wheeler and Burton W. Williams, appointed by the Speaker of the House of Representatives.

Sen. Martha Fuller Clark, appointed by the President of the Senate.

Patricia Hannon, Division of Water, appointed by the Commissioner of the Department of Environmental Services.

Thomas Seigle, Division of Waste Management, appointed by the Commissioner of the Department of Environmental Services.

Chris Northrop, designee of the Director of the Office of Energy and Planning.

Richard Uncles, designee of the Commissioner of the Department of Agriculture, Markets and Food.

Matthew Cahillane, designee of the State Epidemiologist.

Dr. James P. Malley, Jr., appointed by the Dean of the University of New Hampshire College of Engineering and Physical Sciences.

A member representing the University of New Hampshire College of Life Sciences and Agriculture, appointed by the Dean of the College.

A member representing the Institute for the Study of Earth, Oceans and Space, appointed by the Director of the Institute.

Kenneth Flesher, member representing the University of New Hampshire Thompson School of Applied Science, appointed by the Dean of the School.

Tom Buob, North Haverhill, appointed by the Director of the University of New Hampshire Cooperative Extension.

#### **HB 710 (Chapter 254:1, Laws of 2007) – COMMISSION TO STUDY ISSUES RELATIVE TO THE PRACTICE OF LEASING STATE-OWNED REAL ESTATE ON THE SHORES OF PUBLIC WATERS.**

Reps. Bernard L. Benn and Andrew Renzullo, appointed by the Speaker of the House of Representatives.

Sen. Kathleen G. Sgambati, appointed by the President of the Senate.

Jennifer Czyst, representing the Council on Resources and Development.

Mitchell Kalter, Durham, representing the Lakes Management Advisory Committee.

William Heinz, Boscawen, representative of the Rivers Management Advisory Committee.

Richard Smith, Hancock, representing the Public Water Access Advisory Board.

Steve Perry, representing the Fish and Game Department.

Jacquie Colburn, representing the Department of Environmental Services.

Bill Carpenter, Department of Resources and Economic Development.

Jack W. Ferns, representative from the Department of Transportation.

Dean J. Christon, representative from the New Hampshire Housing Finance Authority.

Maynard Goldman, Grantham and Jared Teutsch, Concord, members of the public, appointed by the Governor.

David T. Barrett, representing the Department of Safety.

Hon. David Campbell, appointed by the Long Range Capital Planning and Utilization Committee.  
 Carol Granfield, Meredith, representative of a municipality with leased shorefront property, appointed by the New Hampshire Municipal Association.

Kenneth E. Anderson, Meredith, representative of current lessees under RSA 228:57-a, appointed by the Commissioner of Transportation.

**HB 718 (Chapter 223:2, Laws of 2007) – COMMITTEE TO STUDY THE PROCESS AND SCOPE OF THE PRIVATIZATION OR OUTSOURCING OF PUBLIC SERVICES THAT WOULD OTHERWISE BE DELIVERED BY STATE EMPLOYEES.**

Reps. Maurice L. Pilotte (Executive Departments and Administration), Catriona Beck (Executive Departments and Administration) and Lynne M. Ober (Finance), appointed by the Speaker of the House of Representatives.

Sen. Molly Kelly, appointed by the President of the Senate.

**HB 727 (Chapter 224:1, Laws of 2007) – COMMISSION TO STUDY HEALTH INSURANCE COVERAGE IN THE CONSTRUCTION INDUSTRY.**

Reps. John DeJoie and Randolph N.S. Holden, appointed by the Speaker of the House of Representatives.

Leslie Ludtke, designee of the Insurance Commissioner.

Michael S. Delucia, Director of the Division of Charitable Trusts, Department of Justice.

Katherine Wells Wheeler, Durham, member of the Health Facilities (Services) Planning and Review Board, appointed by the board.

John B. Andrews, appointed by the New Hampshire Local Government Center.

Mike Hill, appointed by the New Hampshire Hospital Association.

Hon. Paul Spiess, Amherst, appointed by the New Hampshire Citizens Health Initiative.

Tom Avallone, Concord, representing non-union contractors and Joseph Cullen, Seabrook, representing union contractors, appointed by the Speaker of the House of Representatives and the President of the Senate.

Robert Philbrook, Manchester, representing non-union workers, Steven Lachance, Hooksett, representing union workers, appointed by the Speaker of the House of Representatives and the President of the Senate.

**HB 876 (Chapter 355:1, Laws of 2007) – COMMISSION TO MAKE RECOMMENDATIONS TO ENSURE THE LONG-TERM VIABILITY OF THE NEW HAMPSHIRE RETIREMENT SYSTEM.**

Reps. Marjorie K. Smith, David L. Smith (Finance) and John Reagan (Executive Departments and Administration), appointed by the Speaker of the House of Representatives.

Sens. Harold Janeway and Michael Downing, appointed by the President of the Senate.

Charlton MacVeagh, Jr., Chairman of the New Hampshire Retirement System Board of Trustees.

Mark McKenzie, Hooksett, Gary Smith, Concord and Rick Trombly, Concord, representatives of Group I of the Retirement System, appointed by the Governor.

Lou Copponi, NH Troopers Association, David Lang, NH Professional Fire Fighters and Dean Crombie, NH Police Association, representatives of Group II of the Retirement System, appointed by the Governor.

Dean Michener, NH School Board Association, Pamela Brenner, Peterborough and John A. MacLean, Keene, representatives of municipal and school employers in the Retirement System, appointed by the Governor.

William Bartlett, Kingston, Chairman, Lisa Shapiro, Canterbury, Dennis Logue, Enfield and Dr. Edward R. MacKay, Durham, public members with recognized expertise in finance, financial management or the governance and oversight of large endowments or public funds, appointed by the Governor.

Barbara Doyle, Hampton (Group I retiree) and James S. Valiquet, Bradford (Group II retiree), appointed jointly by the Speaker of the House of Representatives and the President of the Senate.

**HB 914 (Chapter 257:1, Laws of 2007) – COMMITTEE TO STUDY ISSUES RELATED TO COOPERATIVE SCHOOL DISTRICTS.**

Reps. Richard B. Drisko (represents a town in a cooperative school district), James M. O'Neil (Education) and Karen K. McRae, appointed by the Speaker of the House of Representatives.

Sens. Molly Kelly and Peter Bragdon, appointed by the President of the Senate.

**SB 35 (Chapter 334:3, Laws of 2007) – COMMITTEE TO STUDY THE DISTRIBUTION OF FINANCIAL DISASTER ASSISTANCE.**

1 member appointed by the Governor.

Sen. Lou D'Allesandro, appointed by the Senate President.

Rep. Frederick W. King, appointed by the Speaker of the House of Representatives.

**SB 55 (Chapter 304:1, Laws of 2007) – COMMITTEE TO STUDY THE EFFICACY OF THE MASTER SETTLEMENT AGREEMENT AND STRATEGIES FOR ADDRESSING THE FINANCIAL BURDEN IMPOSED ON THE STATE BY CIGARETTE SMOKING AND THE USE OF TOBACCO PRODUCTS.**

Sens. Lou D'Allesandro (Finance), Deborah R. Reynolds (Ways and Means) and John T. Gallus (Health), appointed by the President of the Senate.

Reps. Dennis P. Vachon (Ways and Means), Thomas L. Bucu (Finance) and Norman L. Major, appointed by the Speaker of the House of Representatives.

**SB 59 (Chapter 258:1, Laws of 2007) – COMMITTEE TO STUDY THE EFFECT ON THE UNEMPLOYMENT COMPENSATION TRUST FUND OF EMPLOYERS WITH NEGATIVE BALANCE SEPARATE ACCOUNTS.**

Sens. David Gottesman, Betsi DeVries and Joseph D. Kenney, appointed by the President of the Senate.

Reps. Marlene M. DeChane, Thomas L. Bucu and John B. Hunt, appointed by the Speaker of the House of Representatives.

**SB 76 (Chapter 260:2, Laws of 2007) – COMMISSION TO STUDY THE PROPER ALLOCATION OF COSTS FOR TRANSPORTING CONVICTED PERSONS AND METHODS FOR MINIMIZING THE COSTS OF TRANSPORTING CONVICTED PERSONS.**

Sens. Peter H. Burling and Robert E. Clegg, Jr., appointed by the President of the Senate.

Reps. Peter E. Franklin, Lori A. Movsesian, Gene P. Charron and Bennett F. Moore, appointed by the Speaker of the House of Representatives.

The Attorney General or designee.

The Commissioner of the Department of Corrections or designee.

Two members representing the Judicial Branch, appointed by the Chief Justice of the Supreme Court.

Jonathan Cohen, Esq., Manchester, Criminal Defense Attorney, appointed by the Governor.

One member appointed by the county attorneys affiliate of the New Hampshire Association of Counties.

**SB 82 (Chapter 361:37, Laws of 2007) – COMMUNITY COLLEGE SYSTEM LEGISLATIVE OVERSIGHT COMMITTEE.**

Three members of the House of Representatives, appointed by the Speaker of the House of Representatives.

Sens. David Gottesman, Molly Kelly and Peter E. Bragdon, appointed by the President of the Senate.

**SB 135 (Chapter 192:1, Laws of 2007) – COMMISSION TO STUDY LOWERING COSTS OF HEALTH INSURANCE FOR SMALL BUSINESSES.**

Sens. Theodore L. Gatsas, Jacalyn L. Cilley and Maggie Wood Hassan, appointed by the President of the Senate.

Reps. Edward A. Butler, Peter F. Bergin and Susi Nord, appointed by the Speaker of the House of Representatives.

The Commissioner of the Insurance Department or designee.

Three members of the New Hampshire Citizens Health Initiative, appointed by the Governor.

A small business owner, appointed by the Governor.

**SB 153 (Chapter 261:1, Laws of 2007) – COMMISSION TO STUDY CHANGING STATUTORY REFERENCES TO "MENTAL RETARDATION".**

Sens. Maggie Wood Hassan and Peter Bragdon, appointed by the President of the Senate.

Reps. Ruth Z. Bleyler and William J. Remick, appointed by the Speaker of the House of Representatives.

The Commissioner of the Department of Health and Human Services or designee.

The Executive Director of People First of New Hampshire or designee.

The head of the Bureau of Special Education, Department of Education.



**SB 169 (Chapter 291:2, Laws of 2007) – COMMITTEE TO STUDY THE POLICIES AND METHODS FOR DETERMINING ELIGIBILITY FOR, AND THE AWARD OF, BENEFITS TO FAMILIES OF POLICE OFFICERS AND FIREFIGHTERS KILLED IN THE LINE OF DUTY.**

Sens. Lou D'Allesandro, Peter H. Burling and John S. Barnes, Jr., appointed by the President of the Senate.

Reps. Daniel A. Eaton and David A. Welch, appointed by the Speaker of the House of Representatives.

**SB 176 (Chapter 293:10, Laws of 2007) – COMMISSION TO STUDY CHILDHOOD LEAD POISONING PREVENTION LAWS, POLICIES AND STANDARDS IN NEW HAMPSHIRE.**

Sens. Betsey DeVries and Maggie Wood Hassan, appointed by the President of the Senate.

Reps. Bernard L. Benn and Frank G. Case, appointed by the Speaker of the House of Representatives.

The Governor or designee.

The Attorney General or designee.

The Commissioner of the Department of Health and Human Services or designee.

The Commissioner of the Department of Education or designee.

A parent of a lead poisoned child, appointed by the Governor.

A lead safe renovator/instructor, appointed by the Commissioner of the Department of Health and Human Services.

Three representatives of the New Hampshire Property Owners Association, appointed by the association.

Two New Hampshire property owners, one owning a property of 4 or fewer units and one owning a property of 20 or more units, appointed by the Governor.

A representative of the insurance industry, appointed by the Insurance Commissioner.

A representative of The Way Home, appointed by such organization.

A representative of a Municipal Health Department, appointed by the Commissioner of Health and Human Services.

A representative of the Minority Health Office, Department of Health and Human Services, appointed by the office.

A representative of the Endowment for Health, appointed by such organization.

A representative of the New Hampshire Charitable Foundation, appointed by the foundation.

The program director of the Dartmouth Toxic Metals Research Program, Center for Environmental Health Sciences, Dartmouth College or designee.

A representative of a local lead action committee, appointed by the Commissioner of the Department of Health and Human Services.

A representative of the New Hampshire Association of Realtors, appointed by the President of the Association.

A representative of New Hampshire Legal Assistance, familiar with tenant issues, appointed by the Executive Director.

**SB 182 (Chapter 200:1, Laws of 2007) – COMMITTEE TO STUDY THE CONFIDENTIALITY OF HEALTH CARE RECORDS IN ABUSE AND NEGLECT PROCEEDINGS.**

Sens. Kathleen G. Sgambati and Bob Odell, appointed by the President of the Senate.

Reps. Barbara Hull Richardson, Julie M. Brown and Beth Arsenault, appointed by the Speaker of the House of Representatives.

**SB 194 (Chapter 122:1, Laws of 2007) – COMMISSION TO STUDY THE TRAFFICKING OF PERSONS ACROSS BORDERS FOR SEXUAL AND LABOR EXPLOITATION.**

Sens. Iris W. Estabrook and John T. Gallus, appointed by the President of the Senate.

Reps. Laura C. Pantelakos, Suzanne Harvey and Everett A. Weare, appointed by the Speaker of the House of Representatives.

The Governor or a designee.

A representative from the United States Attorney's Office.

The New Hampshire Attorney General or designee.

The Commissioner of the Department of Labor or designee.

The Commissioner of the Department of Health and Human Services or designee.

The Director of the Division for Children, Youth and Families or designee.  
 The Commissioner of the Department of Agriculture, Markets and Food or designee.  
 The Commissioner of the Department of Safety or designee.  
 The Director of the Commission on the Status of Women or designee.  
 A member of New Hampshire Association of Chiefs of Police, appointed by the association.  
 A member of New Hampshire Coalition Against Domestic and Sexual Violence, appointed by that organization.

A member of Lutheran Social Services of New England, appointed by that organization.  
 A member of New Hampshire Catholic Charities, appointed by that organization.  
 A member of the New Hampshire Minority Health Coalition, appointed by that organization.  
 A member of Child and Family Services, appointed by that organization.  
 A member of New Hampshire Legal Assistance, appointed by such office.  
 A member of Southern New Hampshire Services, Inc., appointed by that organization.  
 A member of International Institute of New Hampshire, appointed by the institute.  
 A member of New Hampshire Coalition to End Homelessness, appointed by that organization.  
 A member of the New Hampshire Sheriff's Association, appointed by such association.

**SB 219 (Chapter 238:1, Laws of 2007) – COMMITTEE TO STUDY THE EFFECTIVENESS OF CURRENT PRESERVATION PLANNING TOOLS DESIGNED TO PREVENT UNNECESSARY DEMOLITIONS OF SIGNIFICANT HISTORIC PROPERTIES AND RECOMMEND NEW INCENTIVES TO AID COMMUNITIES, IMPROVEMENTS TO EXISTING METHODS, OR CREATION OF NEW PROGRAMS.**

Sens. Martha Fuller Clark and Joseph D. Kenney, appointed by the President of the Senate.  
 Reps. Jacqueline Cali-Pitts, Anthony F. Simon and Andy R. Peterson, appointed by the Speaker of the House of Representatives.

**SB 221 (Chapter 124:1, Laws of 2007) – COMMISSION TO ORGANIZE EVENTS IN CELEBRATION OF THE ABRAHAM LINCOLN BICENTENNIAL.**

Sens. Peter H. Burling, Martha Fuller Clark and Bob Odell, appointed by the President of the Senate.

Reps. Janet G. Wall, David A. Welch and David J. Bettencourt, appointed by the Speaker of the House of Representatives.

The Commissioner of the Department of Cultural Resources.

The Secretary of State.

The Chancellor of the University System of New Hampshire.

The Executive Director of the New Hampshire Historical Society.

The Executive Director of the New Hampshire Humanities Council.

Gail Nessell Colglazier, Director, Manchester Historic Association, representative of a community historical society or museum of history, appointed by the Governor.

Dan Obrien, Portsmouth, Donna Brown, Durham, Raymond D'Amante, Esq., Concord + 2 other members of the public, appointed by the Governor.

**SB 233 (Chapter 380:6, Laws of 2007) – COMMITTEE TO STUDY FLAVORED MALT BEVERAGES.**

Reps. John D. Kelley (Ways and Means), Hector M. Velez and John B. Hunt, appointed by the Speaker of the House of Representatives.

Sen. Betsi DeVries, appointed by the President of the Senate.

**SB 237 (Chapter 316:2, Laws of 2007) – COMMISSION TO STUDY EMPLOYMENT ISSUES AFFECTING VETERANS.**

Sens. Maggie Wood Hassan and John S. Barnes, Jr., (Commerce, Labor and Consumer Protection), appointed by the President of the Senate.

Reps. Kris E. Roberts (State-Federal Relations and Veterans Affairs) and Russell T. Ober, III, (Labor, Industrial and Rehabilitative Services), appointed by the Speaker of the House of Representatives.

The Commissioner of the Department of Employment Security or designee.

The Labor Commissioner or designee.

The Commissioner of the Department of Resources and Economic Development or designee.

The Commandant of the New Hampshire Veterans' Home or designee.

- One member of the State Veterans' Advisory Committee, appointed by the Chairman.
- One representative of a labor union, appointed by the Governor.
- One person representing the disability insurance industry, appointed by the Governor.
- One person appointed by the New Hampshire State Veterans Council.
- One person appointed by the United States Department of Labor's New Hampshire Office of the Veterans' Employment and Training Service.
- One person appointed by the New Hampshire Employer Support for the Guard and Reserve.
- One person appointed by the New Hampshire Veterans of Foreign Wars.
- One person appointed by the New Hampshire American Legion.
- One person appointed by Disabled American Veterans.
- One representative of New Hampshire Legal Assistance, appointed by the Executive Director.
- The Chairperson of the Workforce Opportunity Council or designee.
- A representative of the business community, appointed by the Governor.

### **2007 STATUTORY COMMITTEES**

#### **RSA 4-C:29 (established by SB 217, Chapter 348:1, Laws of 2007) – HOUSING AND CONSERVATION PLANNING PROGRAM ADVISORY BOARD.**

Reps. Timothy Butterworth and Andy R. Peterson, appointed by the Speaker of the House of Representatives.

Sen. Martha Fuller Clark, appointed by the Senate President.

One member appointed by each of the following entities:

- The New Hampshire Housing Finance Authority.
- The New Hampshire Municipal Association.
- The New Hampshire Association of Regional Planning Commission Executives.
- The Business and Industry Association of New Hampshire.
- The New Hampshire Community Loan Fund.
- The Home Builders and Remodelers Association of New Hampshire.
- The Land and Community Heritage Commission.
- The New Hampshire Preservation Alliance.
- The New Hampshire Main Street Program.
- The Society for the Protection of New Hampshire Forests.
- The Audubon Society of New Hampshire.
- The Jordan Institute.

#### **RSA 12-A:46 (repealed and re-enacted by SB 224, Chapter 315:1, Laws of 2007) – TELECOMMUNICATIONS PLANNING AND DEVELOPMENT ADVISORY COMMITTEE.**

The Governor or designee.

The Commissioner of Resources and Economic Development or designee.

The Commissioner of Administrative Services or designee.

The Chairman of the Public Utilities Commission or designee.

Rep. Naida L. Kaen, appointed by the Speaker of the House of Representatives.

Sen. Deborah R. Reynolds, appointed by the President of the Senate.

The chief information officer or designee.

The following persons nominated by the Commissioner of Resources and Economic Development and appointed by the Governor and Council:

- Two members representing residential telecommunications customers.
- One member representing large business telecommunications customers.
- One member representing small business telecommunications customers.
- One member representing educators providing distance learning.
- One member representing municipal government.
- One member representing county government.

One member representing a regional economic development organization or a regional planning commission.

Up to 7 members representing several of the following sectors of the telecommunications industry: wireless, paging, incumbent local exchange carriers, competitive local exchange carriers, Internet service providers, cable, long distance providers and broadcast television. A member representing one sector may also represent one or more other sectors, as deemed appropriate by the Commissioner.

**RSA 12-A:54 (established by SB 97, Chapter 204:2, Laws of 2007) – GRANT REVIEW COMMITTEE.**

The Commissioner of the Department of Resources and Economic Development or designee.  
 The Commissioner of the Department of Employment Security or designee.  
 The Commissioner of the Department of Regional Community-Technical Colleges or designee.  
 One member representing labor, appointed by the Commissioner of the Department of Resources and Economic Development.

Three members representing business and industry, appointed by the Governor.  
 Sen. David M. Gottesman, appointed by the President of the Senate.  
 Rep. James D. Aguiar, appointed by the Speaker of the House of Representatives.  
 The President of the Workforce Opportunity Council, Inc.

**RSA 19-L (established by SB 162, Chapter 365:1, Laws of 2007) – CITIZENS TRADE POLICY COMMISSION.**

Reps. Susi Nord (Commerce) and Saghir A. Tahir (Labor, Industrial and Rehabilitative Services), appointed by the Speaker of the House of Representatives.

Sens. Jacquelyn L. Cilley (Energy, Environment and Economic Development) and Joseph D. Kenney (Executive Departments and Administration), appointed by the President of the Senate.  
 The Attorney General or designee.

Gary Mateson, Epsom: one representative for small business, one representative for small farms, one representative of a non-profit organization that promotes fair trade and one representative of a New Hampshire based corporation that is active in international trade, appointed by the Governor.

The New Hampshire state point of contact for the United States Trade Representative.

Karla Armenti, Bedford + 2 other public members as follows: one health care professional, one representative of a New Hampshire based manufacturing business with 25 or more employees and one representative of an economic development organization, appointed by the Governor.

Kevin Cash, Rochester (organized labor), Arnold Z. Alpert, Concord (nonprofit human rights organization), Denise Hart, Barrington (nonprofit environmental organization) + 1 other, public members as follows: one member who is active in the organized labor community, one member of a nonprofit human rights organization, one member of a nonprofit environmental organization and one member who is active in the business community in a managerial capacity, appointed by the Speaker of the House of Representatives.

One member of the Advisory Committee on International Trade.

**RSA 100-A:56 (established by HB 2, Chapter 263:41, Laws of 2007) – STATE RETIREE HEALTH PLAN COMMISSION.**

Rep. David L. Smith, appointed by the Speaker of the House of Representatives.

Sen. Molly Kelly, appointed by the President of the Senate.

Linda Hodgdon, appointed by the Governor.

Catherine A. Provencher, the State Treasurer.

Donald S. Hill, Commissioner of the Department of Administrative Services.

**RSA 125-P (established by HB 688, Chapter 181:2, Laws of 2007) – COUNCIL ON THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT.**

Reps. Barbara C. French, Robert G. Bridgham and William B. Tobin, appointed by the Speaker of the House of Representatives.

Sens. Martha Fuller Clark and Joseph D. Kenney, appointed by the President of the Senate.

A licensed physician knowledgeable in occupational and environmental medicine, appointed by the Governor.

A representative of the New Hampshire Public Health Association, appointed by such association.

A representative of the New Hampshire Health Officers Association, appointed by such association.

The Commissioner of the Department of Health and Human Services or designee.

The Commissioner of the Department of Environmental Services or designee.

Denise Lamy, designee of the Commissioner of the Department of Insurance.

The Commissioner of the Department of Agriculture, Markets and Food or designee.

William R. Hauser, designee of the Commissioner of the Department of Transportation.

Ed Murdough, designee of the Commissioner of the Department of Education.

A representative of the Foundation for Healthy Communities, appointed by the foundation.

Kirk Stone, Concord, representative of the Jordan Institute, appointed by the Institute.

Gregory H. Smith, Esq., Concord, appointed by the Business and Industry Association of New Hampshire.

At least one director from a city Health Department or designee, appointed by the Governor.  
Two public health nurses, appointed by the New Hampshire Nurses' Association.

John Hodsdon, Meredith, Debra Augustine, Concord, Jan Pendlebury, Diane Smogor, Bedford, Joyce Welch, Concord, Philip Alexakos, Manchester, Hon. James Pilliod, Belmont, Rosemary Caron, PhD, MPH, Durham, public members not to exceed 7, representing advocacy, academia, philanthropy and other professional organizations, all appointed by the Governor.

**RSA 125-Q (established by HB 140, Chapter 294:1, Laws of 2007) – NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS.**

Reps. Susan Emerson (Health, Human Services and Elderly Affairs) and Joy Tilton, appointed by the Speaker of the House of Representatives.

Michael Lassonde, Bedford, member from the Governor's Commission on Disabilities, appointed by the Governor.

Ruth Fox and Joan Marcoux, appointed by the Commissioner of the Department of Health and Human Services.

Richard S. Brothers, Commissioner of the Department of Employment Security.

H. Dee Clanton and Joan Holleran, appointed by the Commissioner of the Department of Education.

Howard J. Zibel, Esq., representative of the Administrative Office of the Courts, appointed by the Chief Justice of the New Hampshire Superior Court.

Cathy Minch, Manchester, President of the New Hampshire Association of the Deaf.

Glenys Crane-Emerson, Epsom, appointed by of the New Hampshire Association of the Deaf.

Laura Sinclair, Exeter, President of the New Hampshire chapter of the Hearing Loss Association of America.

Isabella Kantsepolsky, Nashua, representative from the New Hampshire Chapter of the Hearing Loss Association of America, appointed by the President the association.

Deb McKinney, Manchester, President of the New Hampshire Registry of Interpreters for the Deaf.

Suzanne M. Gorman, designee of the Attorney General.

Wanda Hemeon, designee of the Commissioner of the Department of Safety.

Dr. Robert MacLeod, designee of the Commissioner of the Department of Corrections.

Madeline Olio Ruano, designee of the Executive Director of Granite State Independent Living.

Carol A. Nadeau, Executive Director of the Governor's Commission on Disability.

Susan Wolf-Downs, Executive Director of Northeast Deaf and Hard of Hearing Services, Inc.

The Executive Director of the Disabilities Rights Center.

Ann Eliza Evans, appointed by the President of the New Hampshire Academy of Audiology.

**RSA 126-A:65 (established by HB 2, Chapter 263:96, Laws of 2007) – COMPREHENSIVE CANCER PLAN OVERSIGHT BOARD.**

Sens. Martha Fuller Clark and Bob Odell, appointed by the President of the Senate.

Reps. Robert G. Bridgham and Larry A. Emerton, appointed by the Speaker of the House of Representatives.

Mary Ann Cooney and Dr. Jose Montero, appointed by the Commissioner of the Department of Health and Human Services.

Peter Ames, Bedford and Jazmin Miranda-Smith, Bedford, appointed by the American Cancer Society.

Yvonne Corbeil and Dr. Lynn Butterly, appointed by the Dartmouth-Hitchcock Healthcare System.

Nancy Kane, Concord and Lisa Mendham, Manchester, appointed by the New Hampshire Hospital Association.

Betty-Jane Allgaier, Sandown and John Sias, Hollis, members of the public who are cancer survivors, appointed by the American Cancer Society.

**RSA 184:109 (established by SB 235, Chapter 381:1, Laws of 2007) – MILK PRODUCERS RELIEF FUND BOARD.**

The Commissioner.

Four members appointed by the Governor, who shall have no official business or professional connection or relation with any segment of the dairy industry.

Rep. James G. Phinizy (Environment and Agriculture), appointed by the Speaker of the House of Representatives.

Sen. Deborah R. Reynolds, appointed by the Senate President.

**RSA 184-B:3 (established by HB 407, Chapter 374:1, Laws of 2007) – EMERGENCY DAIRY ASSISTANCE PROGRAM ADVISORY BOARD.**

Rep. James G. Phinizy (Environment and Agriculture), appointed by the Speaker of the House of Representatives.

Sen. Kathleen G. Sgambati (Energy, Environment and Economic Development), appointed by the President of the Senate.

John F. Weeks, Concord, Lynn Blye, Epsom and Michael Sciabarrasi, Durham, members of the public who are not milk producers or do not own a farm where milk is produced, appointed by the Commissioner of the Department of Agriculture, Markets and Food.

**RSA 193-E:2-d (established by HB 927, Chapter 270:2, Laws of 2007) – JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON COSTING AN ADEQUATE EDUCATION.**

Reps. Emma L. Rous (Education), Judith T. Reeve (Education), David W. Hess, Robert A. Foose (Finance) and Kenneth L. Weyler (Finance), appointed by the Speaker of the House of Representatives.

Sens. Iris W. Estabrook (Education), Joseph A. Foster (Education), Bob Odell (Finance) and Peter E. Bragdon, appointed by the President of the Senate.

The Governor or designee as ex officio member of the committee.

**RSA 195-I:2 (established by HB 911, Chapter 62:2, Laws of 2007) – AUTOMATED EXTERNAL DEFIBRILLATOR ADVISORY COMMISSION.**

Matthew Keene, Berlin, designee of the Governor.

Catherine Provencher, the State Treasurer.

Reps. Christine C. Hamm and William J. Remick (Education), appointed by the Speaker of the House of Representatives.

Sen. Peter H. Burling, appointed by the Senate President.

Katherine Rannie, School Nurse Consultant of the Department of Education.

Suzanne Prentiss, Bureau Chief of the Bureau of Emergency Medical Services of the Department of Safety.

Richard A. Boss, Jr., MD, physician, nominated by the New Hampshire Medical Society.

Mike Hill, NH Hospital Association, Paul Sansone, Hanover and Cindy Tuttle, Concord, public members, one of whom shall have business experience, appointed by the Governor.

R. Patrick Corbin, appointed by the New Hampshire Interscholastic Athletic Association.

**RSA 216-A:3-k (established by SB 74, Chapter 359:4, Laws of 2007) – STATE PARK SYSTEM ADVISORY COUNCIL.**

Ten who shall be appointed by the Governor.

One who shall be the Commissioner of the Department of Resources and Economic Development or designee, whose appointment shall be coterminous with the Commissioner's tenure of office.

Reps. Leigh A. Webb, Susan R. Kepner (Resources, Recreation and Development) and Elisabeth N. Sanders (Resources, Recreation and Development), appointed by the Speaker of the House of Representatives.

Sens. Bob Odell and Maggie Wood Hassan, appointed by the President of the Senate.

**RSA 217-B:2 (established by HB 468, Chapter 61:1, Laws of 2007) – FREEDOM'S WAY HERITAGE AREA COMMISSION.**

Charles Moser, Mason, Peter Webb, Brookline, + 2 other representatives of local government from the cities and towns within the area.

Alan Manoian, Nashua, Connie Kreider, Merrimack, Will Ludt, Amherst, Jennifer Horn, Nashua, Fredericka Olson, Hollis, Peggy Kempton, Hollis + 1 other representatives of local historical societies, chambers of commerce, regional environmental organizations, museums or other interpretive centers and/or local and regional land managers.

Robert Wilson Carr, Milford, Jim Coffey, Hillsborough, Steve Williams, Merrimack, persons who are residents of the area to represent other interests the Governor deems appropriate.

Torene Tango-Lowy, designee of the Commissioner of the Department of Resources and Economic Development.

Elizabeth Muzzey, Director of the Division of Historical Resources.

Rep. Henry Parkhurst, member of the House of Representatives standing committee responsible for issues pertaining to resources, recreation and development.

One member of the Senate.

**RSA 238-A:4 (established by SB 75, Chapter 360:1, Laws of 2007) – NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS.**

The Commissioner of the Department of Transportation or designee.

The Mayor of the City of Nashua or designee.

A designee of the Town of Merrimack Town Council.

A designee of the Town of Bedford Town Council.

The mayor of the City of Manchester or designee.

A designee of the Nashua Regional planning commission.

A designee of the southern New Hampshire Planning Commission.

Michael Izbicki, Bedford + 2 others appointed by the Governor, one of whom resides in the service area of the authority as established in RSA 238-A:5, I and 2 of whom are recognized as experts in railroad matters.

Rep. Jim Ryan, Chair of the House Transportation Committee.

Rep. Sherman A. Packard, ranking minority member of the House Transportation Committee.

Sens. Peter H. Burling, Vice Chair of the Senate Transportation and Interstate Cooperation Committee.

Sen. Robert E. Clegg, Jr., ranking minority member of the Senate Transportation and Interstate Cooperation Committee.

The Mayor of the City of Concord or designee.

A designee of the Central New Hampshire Regional Planning Commission.

The Chair of the Manchester-Boston Regional Airport Board or designee.

The Mayor of the City of Dover or designee.

A designee of the Town of Durham Town Council or University of New Hampshire.

A designee of the Town of Exeter Board of Selectmen.

A designee of the Rockingham Planning Commission.

A designee of the Strafford Regional Planning Commission.

The Mayor of the City of Claremont or designee.

A designee of the Upper Valley Lake Sunapee Regional Planning Commission.

A designee of the Lakes Region Planning Commission.

The Mayor of the City of Franklin or designee.

The Mayor of the City of Berlin or designee.

**RESIGNATIONS, DEATHS, SPECIAL ELECTIONS****RESIGNED**

01/04/2007	Hills. 09	Hackett, Catherine, d
04/28/2007	Rock. 14	O'Keefe, Peter, J., d
10/01/2007	Rock. 01	Johnson, Robert, A., r
11/20/2007	Rock. 15	Kelley, Jane, P., d

**DECEASED**

03/19/2007	Merr. 09	Oliver, James, H., r
06/26/2007	Rock. 10	Buxton, Donald, R., r&d
09/23/2007	Hills. 07	Hunter, Bruce, F., r
12/17/2007	Straf. 01	Brown, George F., d

**SPECIAL ELECTIONS**

06/05/2007	Hills. 09	Scannell, David, F., d
07/18/2007	Merr. 09	Boutin, David, R., r
08/22/2007	Rock. 14	Webber, James, B., d
11/28/2007	Rock. 10	Petterson, Don, d

**CHANGE IN PARTY AFFILIATION**

1/24/07	Sull. 05	Ferland, Brenda, L., i
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**PARTY BREAKDOWN ON THE 400 SEATS**

Democrats:	215 D	22 D&R	=	237
Republicans:	145 R	13 R&D	=	158
Currently elected and qualified:			=	396
Vacancies: Resignations 2, Deaths 2			=	004
Total Seats:			=	400
Men: 255, Women: 141				



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2	HB 33	56	HB 122	110	SB 65-FN
3	HB 167	57	SB 83	111	SB 80
4	HB 704-FN-A	58	HB 437-FN-L	112	SB 87
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15	HB 242	69	HB 101	123	SB 195-FN
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17	HB 372-FN-A	71	HB 126	125	SB 234-FN
18	HB 417-FN-A	72	HB 144	126	SB 261
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23	HB 658	77	HB 217	131	HB 102
24	HB 514-FN-L	78	HB 227	132	HB 180-FN
25	HB 361	79	HB 243	133	HB 221
26	HB 873-FN-L	80	HB 249	134	HB 248
27	HB 39	81	HB 251	135	HB 336
28	HB 89	82	HB 311	136	HB 344
29	HB 98	83	HB 312-FN	137	HB 395-FN
30	HB 169	84	HB 338	138	HB 439
31	HB 216	85	HB 362	139	HB 446
32	HB 220	86	HB 394-FN	140	HB 448-L
33	HB 228	87	HB 418	141	HB 480
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37	HB 532	91	HB 547-FN	145	HB 554
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44	HB 657	98	HB 636-FN	152	HB 844-FN
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177	HB 549	235	SB 136	293	SB 176-FN
178	HB 551	236	SB 152	294	HB 140
179	HB 648	237	SB 154	295	HB 205
180	HB 673	238	SB 219-FN	296	HB 337
181	HB 688	239	SB 229	297	HB 517
182	HB 709	240	SB 231	298	HB 590-FN
183	HB 719	241	SB 265-FN	299	HB 611
184	HB 803	242	SB 18-FN	300	HB 895-FN
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188	SB 95	246	HB 256	304	SB 55-FN
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192	SB 135	250	HB 491	308	SB 71
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194	SB 258	252	HB 672	310	SB 125-FN
195	SB 254	253	HB 699	311	SB 144-FN
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**2007**  
**HOUSE JOURNAL**  
**NUMERICAL INDEX**

This index, arranged by bill and resolution numbers, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

HB	House Bill
HJR	House Joint Resolution
HCR	House Concurrent Resolution
HR	House Resolution
SB	Senate Bill
SCR	Senate Concurrent Resolution
CACR	Constitutional Amendment Concurrent Resolution

To find a bill by its subject see the Subject Index immediately following this NUMERICAL Index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Com	re-referred to committee
conc	concurred, concurrence
conf	conference committee
Criminal Justice	referred to Criminal Justice and Public Safety committee
enr	enrolled
Exec Depts	referred to Executive Departments and Administration committee
ext	extension of time for hearing
Finance	referred to Finance Committee
intro	introduced, introduction
IP	indefinitely postponed
K	killed (Inexpedient to Legislate)
LT	laid on the table
nonconc	nonconcurrent
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
ret	retained
S	Senate
SO	special order
study	referred to interim study committee
vac	vacate
Ways & Means	referred to Ways and Means committee
wthd	withdrawn

**2007 SESSION****HOUSE BILLS**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009. (M. Smith, Straf 7: Finance)  
178, am (3RCs) 699-709, psd 768, nonconc S am, conf 1041, 1050, conferee change 1054, rep adop 1074, (2RCs) 1075-1080, enr 1105 (Chapter 262)

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. (M. Smith, Straf 7: Finance)  
227, am (6RCs) 709-738, psd 768, nonconc S am, conf 1041, 1050, conferee change 1054, rep adop 1074, (RC) 1080-1083, enr am 1104-1105, enr 1105, committees amended 1125, appointments 1125-1126, 1139, 1140 (Chapter 263)

**HB 3-24**, *not introduced*.

**HB 25-FN-A**, making appropriations for capital improvements. (Bouchard, Merr 11: Public Works and Highways)  
178, am (RC) 751-766, psd 768, nonconc S am, conf 1041, 1050, conferee change 1054, rep adop 1074, 1083, enr am & enr 1105, appointments 1126 (Chapter 264)

**HB 26-30**, *not introduced*.

**HB 31-FN**, requiring the licensure of property and casualty insurance appraisers. (Marshall Quandt, Rock 13; et al: Commerce)  
29, ret 1117

**HB 32**, requiring photo identification to obtain a ballot. (Lund, Rock 5; et al: Election Law)  
**new title:** establishing a commission to study voter registration cards.  
29, am 473-474, psd 568, conc S am 795, enr 906, appointments 1126 (Chapter 64)

**HB 33**, relative to the compensation of members of the county convention. (Stohl, Coos 1; et al: Municipal and County Government)  
29, psd 59, 64, S conc 768, enr 770 (Chapter 2)

**HB 34**, establishing a committee to study barbering and barbering training. (Marshall Quandt, Rock 13; et al: Executive Departments and Administration)  
29, K 83

**HB 35**, establishing a commission to study human trafficking issues in New Hampshire. (Ulery, Hills 27; et al: Criminal Justice and Public Safety)  
29, ret 1117

**HB 36**, relative to the reporting of municipal liens in consumer reports. (Walz, Merr 13: Commerce)  
29, K 336

**HB 37**, relative to notification requirements for criminal offenders. (J. Thomas, Belk 5; et al: Education)  
29, am 129-130, psd 176, nonconc S am, conf 1042, 1050, rep adop 1074, 1083, enr 1111 (Chapter 319)

**HB 38**, relative to terms of appointment for certain state officers. (Shurtleff, Merr 10: Executive Departments and Administration)  
29, am 492-495, psd 568, S conc 906, enr 1035 (Chapter 156)

**HB 39**, repealing the penalty provision in discretionary preservation easements. (Shurtleff, Merr 10: Municipal and County Government)  
29, psd (RC) 60-63, 64 S conc 790, enr 793 (Chapter 27)

**HB 40**, relative to living wills and durable powers of attorney for health care. (Rowe, Hills 6; et al: Judiciary)  
29, ret 1117

- HB 41**, relative to human immunodeficiency virus education, prevention, and control. (MacKay, Merr 11: Health, Human Services and Elderly Affairs)  
29, am 92-93, psd 95, S conc 860, enr 862 (Chapter 65)
- HB 42**, requiring zoning ordinances to encourage preservation or restoration of stone walls. (Lockwood, Merr 6; et al: Municipal and County Government)  
**new title**: relative to resource protection sections of local master plans.  
29, am 85, psd 94, conc S am 790, enr 793 (Chapter 40)
- HB 43**, relative to the procedure for establishing medicaid reimbursement rates. (C. McMahon, Rock 4; et al: Health, Human Services and Elderly Affairs)  
**new title**: relative to the procedure for establishing Medicaid reimbursement rates, establishing a committee to study Medicaid payments for hospital-based physician and outpatient services, and establishing a moratorium on certain reimbursement policy changes pending the results of the study.  
**2<sup>nd</sup> new title**: relative to the procedure for establishing Medicaid reimbursement rates; relative to reimbursement rates for hospital-based physician and outpatient services; and establishing a committee to study Medicaid payments for hospital-based physician and outpatient services.  
29, am & Finance 84, am 738-739, psd 768, conc S am 980, enr 1054, appointments 1126 (Chapter 205)
- HB 44**, relative to the authority of animal control officers. (Welch, Rock 8; et al: Criminal Justice and Public Safety)  
**new title**: relative to the authority of authorized persons to take custody of nuisance dogs.  
29, am 82, psd 94, S conc 906, enr am 1047, enr 1056 (Chapter 244)
- HB 45**, relative to addresses on motor vehicle registrations. (Almy, Graf 11; et al: Transportation)  
29, ret 1117
- HB 46-FN-A-L**, making an appropriation to support kindergarten programs in the towns of Merrimack, Hampstead, and Goffstown. (C. Christensen, Hills 19; et al: Finance)  
**new title**: making an appropriation to fund kindergarten programs in the towns of Merrimack, Hampstead, Goffstown, and Fremont, and in the Timberlane regional school district.  
**2<sup>nd</sup> new title**: making an appropriation to fund kindergarten programs in the Merrimack, Hampstead, Goffstown, Fremont, and Timberlane regional school districts.  
29, am & rcmt 292, am 508-509, psd 569, conc S am 865, enr am 1047, enr 1056 (Chapter 272)
- HB 47**, exempting inheritances from marital assets for purposes of divorce settlements. (Nowe, Rock 9; et al: Children and Family Law)  
29, ret 1117
- HB 48**, relative to the definition of “party” for election purposes. (Davis, Merr 7; et al: Election Law)  
29, ret 1117
- HB 49**, relative to eligibility for admittance to the New Hampshire veterans’ home. (D. Smith, Hills 22; et al: State-Federal Relations and Veterans Affairs)  
29, am 267, psd 325, S conc 862, enr 977 (Chapter 130)
- HB 50**, not introduced.
- HB 51**, permitting adoption by 2 unmarried adults in a familial relationship. (Lockwood, Merr 6; et al: Children and Family Law)  
29, am (RC) 269-272, psd 325, S LT 1035, 1123
- HB 52**, relative to leasing the Cannon Mountain ski area. (King, Coos 1; et al: Resources, Recreation and Development)  
29, SO 176, K (RC) 201-204

- HB 53**, relative to school health personnel. (Harding, Graf 11; et al: Education)  
29, psd 59, 64, conc S am 789, enr 793 (Chapter 41)
- HB 54**, establishing a commission to study automobile recycling issues, including disposal fees. (Knox, Carr 4; et al: Executive Departments and Administration)  
**new title:** establishing a commission to study automobile recycling issues.  
29, am 83-84, psd 94, conc S am 980, enr am 1055, enr 1056, appointments 1126 (Chapter 273)
- HB 55**, relative to required use of tail lamps. (Webb, Merr 2: Transportation)  
29, K 114
- HB 56**, relative to the definition of agritourism. (O'Connell, Hills 6; et al: Resources, Recreation and Development)  
29, am 107, psd 120, conc S am 866, enr 1035 (Chapter 157)
- HB 57**, relative to advance directives for durable powers of attorney and living wills. (N. Elliott, Hills 19: Judiciary)  
30, ret 1117
- HB 58**, requiring municipalities to establish volunteer civilian police review boards. (T. Robertson, Ches 3: Municipal and County Government)  
30, rem 82, K 94
- HB 59**, relative to crossbow hunting by a person with a disability. (J. Allen, Belk 5; et al: Fish and Game)  
30, am 136-137, psd 176, S conc 860, enr 793 (Chapter 52)
- HB 60**, relative to the definition of an adequate education. (P. Allen, Ches 6; et al: Education)  
30, K 360
- HB 61**, designating segments of the Ammonoosuc River into the rivers management protection program. (Remick, Coos 2; et al: Resources, Recreation and Development)  
30, psd 107, 120, S conc 861, enr 906 (Chapter 66)
- HB 62**, relative to limiting the number of balloons released into the atmosphere. (Waterhouse, Rock 4; et al: Environment and Agriculture)  
**new title:** relative to balloons being released into the air.  
30, rem 237, am (RC) 314-318, psd 326, S nonconc 1034
- HB 63**, allowing counties to regulate conflicts of interest in elected and appointed county officers and employees. (Patten, Carr 4; et al: Municipal and County Government)  
**new title:** relative to conflicts of interest involving county officers and employees.  
30, am 85-86, psd 94, S Com 790, 1122
- HB 64-FN**, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order. (Rowe, Hills 6: Criminal Justice and Public Safety)  
**new title:** relative to driving a commercial motor vehicle while violating an out-of-service order.  
30, am 354-355, psd 566, conc S am 865, enr 1050 (Chapter 206)
- HB 65**, relative to the appointment of the director of the division of ports and harbors. (Pantelakos, Rock 16; et al: Executive Departments and Administration)  
30, ret 1117
- HB 66**, relative to display of antique motor vehicle plates. (Greco, Merr 7; et al: Transportation)  
30, K 107-108
- HB 67**, relative to liens filed with public servants. (Ingretson, Graf 5; et al: Judiciary)  
30, K 139
- HB 68**, relative to the terminology used to describe public education. (King, Coos 1: Education)  
30, K 361

- HB 69**, relative to the solemnization of marriages. (Itse, Rock 9: Judiciary)  
30, K 387
- HB 70**, including nonresident property owners who are veterans and at least 65 years of age in the persons qualified to receive the veterans' property tax credit. (G. Katsakiores, Rock 5; et al: Municipal and County Government)  
30, K 59
- HB 71**, excluding a municipality's list of owners of registered dogs from the right-to-know law. (Patten, Carr 4: Judiciary)  
**new title:** prohibiting the sale, rent, lease, transfer, or distribution of records, information, or lists of licensed dog owners in New Hampshire to another person by the town clerk's office.  
30, am 558-559, psd 569, S LT 861, conc S am 795, enr 906 (Chapter 67)
- HB 72**, relative to the payment of municipal sewage assessments. (F. Tilton, Belk 4: Municipal and County Government)  
30, psd 86, 94, S conc & enr 772 (Chapter 5)
- HB 73**, relative to contractor bids. (Ulery, Hills 27; et al: Commerce)  
30, K 336
- HB 74-FN-A-L**, relative to matching funds for federal disaster assistance for the October 2005 floods and making an appropriation therefor. (Phinizy, Sull 5; et al: Finance)  
30, rem 237, K 318, recon & K 318
- HB 75**, not introduced.
- HB 76-FN**, creating an environmental policy for New Hampshire. (Ryan, Merr 2; et al: Environment and Agriculture)  
30, ret 1117
- HB 77**, prohibiting cancellation of property and liability insurance on the basis of certain political activities. (C. Chase, Hills 2; et al: Commerce)  
31, K 152
- HB 78**, relative to health insurance coverage for certain unmarried children. (Moran, Hills 18; et al: Commerce)  
31, K 336
- HB 79**, relative to the safety of school bus stops. (Davis, Merr 7; et al: Education)  
31, ret 1118
- HB 80**, relative to breast-feeding. (Serlin, Rock 16; et al: Children and Family Law)  
31, K 82
- HB 81**, relative to required pay for employees called into work. (Renzullo, Hills 27: Labor, Industrial and Rehabilitative Services)  
31, SO 565, am 616-617, recon rej 622, psd 635, S nonconc 863
- HB 82**, relative to communications outside meetings under the right-to-know law. (J. Thomas, Belk 5; et al: Judiciary)  
31, K 387
- HB 83**, relative to the deliberations of certain state agencies under the right-to-know law. (J. Thomas, Belk 5; et al: Judiciary)  
**new title:** relative to the deliberations of the board of tax and land appeals under the right-to-know law.  
31, am 559-560, psd 569, rules suspended, recon & am 690-691, psd 768, nonconc S am, conf 979, 1050, conferee change 1054, rep adop 1074, (RC) 1083-1085, enr 1111 (Chapter 371)



- HB 84**, relative to the hours of operation of vehicle inspection stations. (T. Robertson, Ches 3: Transportation)  
31, rem 102, K 120
- HB 85**, establishing a study committee on awarding the deferred compensation contract to AETNA/ING. (Marshall Quandt, Rock 13: Executive Departments and Administration)  
31, K 91-92
- HB 86**, establishing a committee to study educational and social services programs that serve families with children 6 years old and younger. (Gile, Merr 10; et al: Children and Family Law)  
31, psd 82, 94, conc S am 864, enr 1034, appointments 1126 (Chapter 158)
- HB 87**, relative to the exceptions to compulsory school attendance. (Dunn, Ches 3: Education)  
31, rem 59, psd 63, 64, S LT 769, conc S am 1036, enr am 1105-1106, enr 1111 (Chapter 350)
- HB 88**, establishing a committee to study single payer health care. (Weed, Ches 3: Commerce)  
31, psd (RC) 272-274, 325, S LT 791, 1123
- HB 89**, relative to strikes by public employees. (Weed, Ches 3: Labor, Industrial and Rehabilitative Services)  
**new title:** establishing a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire.  
31, am 104-105, psd 120, S conc 790, enr 793, appointments 1126 (Chapter 28)
- HB 90**, establishing a committee to study the feasibility of imposing a luxury sales tax and an amusements tax. (Weed, Ches 3: Ways and Means)  
31, K 175-176
- HB 91-FN**, relative to registration fees for lobbyists and requiring registration of employers of lobbyists. (Weed, Ches 3: Legislative Administration)  
31, ret 1118
- HB 92**, decriminalizing marijuana. (Weed, Ches 3; et al: Criminal Justice and Public Safety)  
31, rem 327, rules suspended & SO 565, 635, LT 670, K 1117
- HB 93**, relative to use of the child support guidelines worksheet. (McRae, Hills 7; et al: Children and Family Law)  
31, psd 123, 176, S nonconc 860
- HB 94**, relative to overpayments of child support. (McRae, Hills 7; et al: Children and Family Law)  
31, psd 123, 176, conc S am 1036, enr 1056 (Chapter 274)
- HB 95-L**, including charter school pupils in the average daily membership in residence in the pupil's district of residence. (Casey, Rock 11: Education)  
**new title:** relative to the treatment of charter school pupils in the definition of average daily membership in residence.  
31, am 282, psd 326, nonconc S am, conf 1042, 1050, rep adop 1074, 1085 (unable to agree)
- HB 96-FN-A**, relative to the replacement of the Neil Underwood bridge over the Hampton River and making a capital appropriation. (Benjamin Moore, Rock 14; et al: Public Works and Highways)  
31, K 87
- HB 97**, relative to the recording of audio and video images on private property for security purposes. (Dumaine, Rock 3; et al: Criminal Justice and Public Safety)  
31, rem 122, SO 176, 226, K 278-279
- HB 98**, relative to the situation of landfills on land owned by municipalities. (Tupper, Merr 6; et al: Environment and Agriculture)  
31, am 103-104, psd 120, S conc 790, enr 793 (Chapter 29)

- HB 99**, relative to the youth employment law. (Hilliard, Straf 2; et al: Labor, Industrial and Rehabilitative Services)  
31, am 105, psd 120, S conc 860, enr 862 (Chapter 68)
- HB 100**, not introduced.
- HB 101**, relative to annual training for members of the workers' compensation appeals board. (Goley, Hills 8; et al: Executive Departments and Administration)  
31, psd 92, 95, S conc 860, enr 862 (Chapter 69)
- HB 102**, relative to requirements for restaurants operating cocktail lounges. (Velez, Hills 12: Commerce)  
**new title:** defining "food" for purposes of the alcoholic beverages laws.  
31, am 152-153, psd 177, S conc 862, enr 977 (Chapter 131)
- HB 103**, establishing a commission to study the state highway trust fund. (Bouchard, Merr 11; et al: Public Works and Highways)  
**new title:** establishing a commission to study the state highway trust fund and relative to the classification of certain roads in the city of Berlin and the town of Hooksett.  
**2<sup>nd</sup> new title:** establishing a commission to study the state highway trust fund and relative to the classification of certain roads in the town of Hooksett.  
31, psd 93, 95, conc S am 795, enr am 1032, enr 1050, appointments 1127 (Chapter 207)
- HB 104-FN**, relative to renewal of drivers' licenses by certain national guard members. (Bishop, Rock 2; et al: State-Federal Relations and Veterans Affairs)  
32, psd 87, 95, conc S am 866, enr 1035 (Chapter 159)
- HB 105**, repealing the parental rights and responsibilities and child support impact seminar requirement. (Rochette, Hills 20; et al: Children and Family Law)  
32, rem 82, K 93-94
- HB 106**, relative to leave of absences to serve as a legislator. (Cali-Pitts, Rock 16; et al: Labor, Industrial and Rehabilitative Services)  
32, K 105-106
- HB 107-L**, authorizing towns to charge property owners for solid waste removal. (Rodeschin, Sull 2; et al: Municipal and County Government)  
32, psd 86, 94, S conc & enr 772 (Chapter 6)
- HB 108-FN-A**, making a capital appropriation for Merrimack district court facility improvements. (C. Christensen, Hills 19; et al: Public Works and Highways)  
32, K 87
- HB 109**, eliminating straight ticket voting. (Vaillancourt, Hills 15; et al: Election Law)  
33, LT 474, 483, 1117
- HB 110**, relative to commercial driver licenses when the license holder fails a drug or alcohol test. (Villeneuve, Hills 18; et al: Transportation)  
33, K 148-149
- HB 111**, relative to county employment for Sullivan county. (Converse, Sull 4: Municipal and County Government)  
33, K 86
- HB 112**, relative to the method of depositing a ballot. (Bucu, Carr 1; et al: Election Law)  
33, K 158
- HB 113-FN**, relative to interference with constitutional and lawful rights. (L. Christiansen, Hills 27: Judiciary)  
33, K 85

- HB 114**, relative to the statement of purpose in the statewide education improvement and assessment program. (L. Christiansen, Hills 27: Education)  
33, K 83
- HB 115**, relative to the procedure for counties to apply for, accept, and expend federal, state, or other grants. (Patten, Carr 4; et al: Municipal and County Government)  
33, psd 86, 94, S Com 907, 1122
- HB 116**, limiting access to certain business records. (Stepanek, Hills 6; et al: Commerce)  
33, ret 1118
- HB 117**, creating an exception for the storage of black gunpowder by historical reenactors and certain nonprofit entities. (L. Hammond, Graf 11; et al: Criminal Justice and Public Safety)  
33, am 103, psd 120, S conc 860, enr 862 (Chapter 70)
- HB 118**, extending the commission to determine the appropriate use of real property destroyed in the October 2005 floods, established in 2006, 256. (D. Eaton, Ches 2; et al: Finance)  
**new title:** reducing a prior appropriation to the department of transportation to purchase flood damaged property and extending the commission to determine the appropriate public use of the property.  
33, am 293, psd 326, S conc & enr 772, report date extended 1124 (Chapter 7)
- HB 119**, relative to the sunset provision of the system benefits charge. (Foster, Hills 4; et al: Science, Technology and Energy)  
**new title:** relative to the sunset provision of the system benefits charge and the use of funds to pay administrative costs.  
33, psd 148, 176, conc S am 981, enr 1054 (Chapter 208)
- HB 120**, relative to extending polling hours. (M. Smith, Straf 7; et al: Election Law)  
33, psd 130, 176, S conc & enr 772 (Chapter 8)
- HB 121-FN**, expanding eligibility for special number plates for veterans to family members of soldiers killed in action. (D. Russell, Belk 6; et al: Transportation)  
33, ret 1118
- HB 122**, naming a bridge in the town of Henniker after Russell M. Durgin. (French, Merr 5; et al: Public Works and Highways)  
**new title:** naming a bridge in the town of Henniker after Sergeant Russell M. Durgin.  
33, am 93, psd 95, conc S am 790, enr 793, remarks 904-906 (Chapter 56)
- HB 123**, relative to the time required between mandatory shifts or other work periods. (Renzullo, Hills 27: Labor, Industrial and Rehabilitative Services)  
33, K 390
- HB 124**, establishing a committee to study enhancing electricity infrastructure. (Berube, Straf 2; et al: Science, Technology and Energy)  
33, K 87
- HB 125**, not introduced.
- HB 126**, relative to the definition of "school." (Dunn, Ches 3: Education)  
33, psd 88, 95, conc S am 795, enr 906 (Chapter 71)
- HB 127**, relative to voter registration forms. (Weed, Ches 3: Election Law)  
33, K 130
- HB 128**, establishing a committee to study ballot reform. (Weed, Ches 3: Election Law)  
33, K 474
- HB 129**, relative to outsourcing of jobs. (Weed, Ches 3; et al: Labor, Industrial and Rehabilitative Services)  
33, K 390

- HB 130**, requiring bottled water labels to indicate the source of the water. (Weed, Ches 3: Commerce)  
33, K 238
- HB 131**, revising the role of the commissioner of the department of education in the approval of home education programs. (Casey, Rock 11: Education)  
33, K 242
- HB 132**, relative to domicile for voting purposes. (Pierce, Graf 9; et al: Election Law)  
33, psd (RC) 282-285, 326, S conc & enr 772 (Chapter 9)
- HB 133**, relative to voter registration forms. (Pierce, Graf 9: Election Law)  
33, am (RC) 285-288, psd 326, S conc & enr 772 (Chapter 10)
- HB 134**, relative to electronic prescribing for prescription drugs. (Rosenwald, Hills 22; et al: Health, Human Services and Elderly Affairs)  
33, am 382-383, psd 567, nonconc S am, conf 1042, 1050, rep adop 1074, 1086, enr am 1109, enr 1111 (Chapter 320)
- HB 135**, establishing the second Sunday in October as Firefighters Memorial Day. (Weare, Rock 14; et al: Executive Departments and Administration)  
33, am 133, psd 176, S conc 861, enr 906 (Chapter 275)
- HB 136**, relative to approval of voting machines. (Pierce, Graf 9; et al: Election Law)  
33, K 158
- HB 137**, relative to food safety in restaurants. (Pilliod, Belk 5; et al: Health, Human Services and Elderly Affairs)  
33, Executive Departments and Administration 84, am 691, psd 768, S nonconc 1034
- HB 138**, relative to disclosure of voting machine information. (Pierce, Graf 9; et al: Election Law)  
34, K 158
- HB 139**, requiring the reporting of burn injuries. (DeJoie, Merr 11; et al: Health, Human Services and Elderly Affairs)  
**new title:** relative to the reporting of burn injuries.  
34, am 297, psd 326, S nonconc 860
- HB 140**, reestablishing the New Hampshire task force on deafness and hearing loss. (Pilliod, Belk 5; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing the New Hampshire commission on deafness and hearing loss.  
34, am 108-109, psd 120, conc S am 1037, enr am 1056, enr 1103, appointments 1140 (Chapter 294)
- HB 141**, giving voters the option of bypassing voting machines. (Hall, Hills 5; et al: Election Law)  
34, K 475
- HB 142**, relative to the sale of out-of-state animals. (O'Connell, Hills 6; et al: Environment and Agriculture)  
34, am 244-245, psd 325, conc S am 865, enr 1035 (Chapter 160)
- HB 143**, relative to the apportionment of damages in civil actions. (Lasky, Hills 26; et al: Judiciary)  
34, rem 102, psd (2RCs) 114-120, S LT 907, conc S am (RC) 1037-1040, enr 1056, veto sustained (RC) 1113-1115
- HB 144**, relative to operation of boats on Spectacle Pond. (Welch, Rock 8; et al: Resources, Recreation and Development)  
34, am 144, psd 176, S conc 861, enr 906 (Chapter 72)
- HB 145**, establishing an education funding study committee. (Almy, Graf 11; et al: Ways and Means)  
34, ret 1118

- HB 146**, relative to nicknames on ballots. (Vaillancourt, Hills 15; et al: Election Law)  
34, am 130-131, psd 176, S LT 791, 1123
- HB 147**, relative to counting kindergarten pupils in charter school attendance. (Casey, Rock 11: Education)  
34, psd 242, 325, S nonconc 861
- HB 148**, establishing a commission to study pharmaceutical costs and the 340B Drug Pricing Program. (Rosenwald, Hills 22; et al: Health, Human Services and Elderly Affairs)  
34, am 84-85, psd 94, conc S am 1037, enr 1056, appointments 1127 (Chapter 245)
- HB 149**, allowing a purchaser at a mortgage foreclosure sale to terminate a tenancy of the property by a notice to quit. (Dokmo, Hills 6; et al: Judiciary)  
34, K 388
- HB 150**, not introduced.
- HB 151**, relative to provider contracts under the managed care law. (Headd, Rock 3: Commerce)  
34, K 238
- HB 152**, relative to public access to meeting minutes. (Julie Brown, Straf 1: Judiciary)  
34, am 256-257, psd 325, S conc 860, enr 861 (Chapter 59)
- HB 153**, relative to standards for bridge and highway construction. (Waterhouse, Rock 4: Public Works and Highways)  
34, am 106, psd 120, conc S am 790, enr am 793, enr 861 (Chapter 60)
- HB 154**, relative to the inclusion of certain tax information in state tourism publications. (Camm, Rock 8: Resources, Recreation and Development)  
34, K 107
- HB 155**, relative to membership of the state building code review board. (Harding, Graf 11; et al: Executive Departments and Administration)  
34, am 167-168, psd 177, S conc & enr 772 (Chapter 11)
- HB 156**, relative to the membership of the ballot law commission. (Vaillancourt, Hills 15: Election Law)  
34, ret 1118
- HB 157**, establishing a committee to determine a permanent location for the old state house. (CaliPitts, Rock 16; et al: Public Works and Highways)  
34, rem 123, SO 176, K 301
- HB 158**, requiring insurance companies to allow covered persons to purchase an up-to-90day supply of life-sustaining drugs. (Cali-Pitts, Rock 16; et al: Commerce)  
**new title:** requiring insurance companies to allow covered persons to purchase an up-to-90-day supply of covered prescription drugs on the covered person's health plan formulary under certain circumstances.  
34, am 238-239, psd 324, S conc 860, enr 862 (Chapter 73)
- HB 159**, establishing a committee to study the need for a classification system for criminal offenders. (Franklin, Sull 2: Criminal Justice and Public Safety)  
34, ret 1118
- HB 160**, relative to the appointment of the executive director of the public employee labor relations board. (Marshall Quandt, Rock 13; et al: Executive Departments and Administration)  
34, K 133
- HB 161**, renaming the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital. (Weyler, Rock 8; et al: State-Federal Relations and Veterans Affairs)  
34, K 87

- HB 162**, relative to liability for costs, fees, and certain expenses incurred by a defendant where the court finds the defendant's conduct is justifiable. (Tobin, Belk 2: Judiciary)  
34, K 85
- HB 163**, relative to the definition of "slaughterer." (Patten, Carr 4; et al: Environment and Agriculture)  
34, K 131-132
- HB 164**, relative to medicating pupils to enhance learning abilities. (Hutchinson, Rock 3; et al: Education)  
**new title:** prohibiting school personnel from recommending the use of psychotropic medications for any child.  
34, am 242-243, psd 325, S nonconc 863
- HB 165**, establishing a committee to study the feasibility of carbon reduction incentives. (Borden, Rock 18; et al: Science, Technology and Energy)  
34, rules suspended & SO 565, 635, K 638
- HB 166**, relative to the definition of a bridge. (Buco, Carr 1; et al: Public Works and Highways)  
35, psd 106, 120, S conc & enr 772 (Chapter 12)
- HB 167**, relative to areas of assessment required under the statewide improvement and assessment program. (Dunn, Ches 3: Education)  
35, psd 83, 94, S conc 768, enr 770 (Chapter 3)
- HB 168**, expanding the purposes of the wildflower establishment program. (Graham, Hills 18; et al: Public Works and Highways)  
35, psd 113, 120, S nonconc 790
- HB 169**, relative to penalties for insurance adjusters, appraisers, or companies purposefully underestimating the value of an insurance claim. (Marshall Quandt, Rock 13; et al: Commerce)  
**new title:** relative to penalties for insurers or adjusters knowingly underestimating the value of an insurance claim.  
35, am 274-275, psd 325, S conc 790, enr 793 (Chapter 30)
- HB 170**, relative to professional membership on certain occupational regulatory boards. (T. Robertson, Ches 3: Executive Departments and Administration)  
35, K 134
- HB 171**, clarifying the wiretapping and eavesdropping statute. (Ulery, Hills 27; et al: Criminal Justice and Public Safety)  
35, rem 122, SO 176, K 279
- HB 172-FN**, establishing the position of state meat inspector. (Owen, Merr 4: Environment and Agriculture)  
35, ret 1118
- HB 173-FN-A**, relative to the promotion, acquisition, and retention of a large animal veterinarian in the north country, and making an appropriation therefor. (Owen, Merr 4: Environment and Agriculture)  
**new title:** relative to the promotion, acquisition, and retention of a large animal veterinarian in those areas of the state where there is a need, and making an appropriation therefor.  
35, am (RC) & Finance 88-91, ret 1118
- HB 174-FN**, relative to regulating residential building and remodeling contractors. (Hawkins, Hills 18: Executive Departments and Administration)  
35, ret 1118
- HB 175**, not introduced.

- HB 176**, relative to the return of replaced parts by a motor vehicle repair facility. (Villeneuve, Hills 18; et al: Transportation)  
35, K 149
- HB 177-FN**, including “unborn child” in the definition of “another” for the purpose of first and second degree murder, manslaughter, and negligent homicide. (Dumaine, Rock 3; et al: Criminal Justice and Public Safety)  
35, rem 122, SO 176, 226, LT (RC) 279-281, 1117
- HB 178-FN**, relative to the procedure for withdrawing from a cooperative school district. (McRae, Hills 7: Education)  
35, K 361
- HB 179**, prohibiting surrender penalties on life insurance policies. (Martin, Carr 5; et al: Commerce)  
35, K 336
- HB 180-FN**, relative to pay and allowances for officers and enlisted members of the national guard. (B. Shaw, Hills 16; et al: State-Federal Relations and Veterans Affairs)  
35, psd 113, 120, S conc 862, enr 977 (Chapter 132)
- HB 181-FN-A**, establishing a tuition voucher program for New Hampshire national guard members and making an appropriation therefor. (Bishop, Rock 2; et al: State-Federal Relations and Veterans Affairs)  
35, am & Finance 113-114, ret 1118
- HB 182-FN**, relative to indicating the branch of service on special number plates for veterans. (J. Garrity, Rock 6: Transportation)  
35, K 149
- HB 183-FN-A-L**, relative to the acquisition of a certain tract of land in the towns of Peterborough, Sharon, and Temple as a state reservation, and making an appropriation therefor. (Irwin, Hills 3; et al: Resources, Recreation and Development)  
35, SO 176, am (RC) & Public Works and Highways 204-207, K 696
- HB 184**, repealing the parental notification law. (Hager, Merr 12; et al: Judiciary)  
36, SO 176, psd (5RCs) & Protest 179-194, psd 227, debate on recon limited (RC) & recon rej (RC) 232-237, S conc 1034, enr 1054 (Chapter 265)
- HB 185-FN**, extending the duration of the CROP zone tax credits program and expanding the state jobs grant fund. (Ryan, Merr 2; et al: Ways and Means)  
36, ret 1118
- HB 186-FN**, relative to random recounts. (C. Chase, Hills 2; et al: Election Law)  
36, ret 1118
- HB 187**, establishing a study committee to determine which law enforcement agencies are responsible for enforcing civil judgments. (Nowe, Rock 9; et al: Criminal Justice and Public Safety)  
**new title:** establishing that sheriffs’ departments have sole jurisdiction to enforce civil orders.  
36, am 103, psd 120, nonconc S am, conf 979, 1050, rep adop 1074, 1086, enr 1111 (Chapter 321)
- HB 188**, excluding certain watercraft from the definition of ski craft. (Ahlgren, Carr 4: Transportation)  
36, am 424, psd 568, conc S am 866, enr 1035 (Chapter 161)
- HB 189**, relative to swim lines in public waters. (Pilliod, Belk 5: Resources, Recreation and Development)  
36, rem 123, SO 176, 226, am 302, psd 326, S conc 860, enr 862 (Chapter 74)

- HB 190**, relative to the definition of “resident” for motor vehicle purposes. (Bishop, Rock 2: Transportation)  
36, ret 1118
- HB 191**, relative to the authority of the secretary of state concerning sealed ballots in a state election. (Manney, Hills 7: Election Law)  
**new title:** relative to the authority to unseal ballots following a state election.  
36, am 475, psd 568, S conc 861, enr 906 (Chapter 75)
- HB 192-FN**, requiring vote counting by election officials at polling places using vote counting machines. (C. Chase, Hills 2; et al: Election Law)  
36, K 475
- HB 193**, relative to liquor and wine representative licenses. (C. Chase, Hills 2; et al: Executive Departments and Administration)  
36, K 245
- HB 194**, relative to laboratories conducting alcohol concentration tests. (Tholl, Coos 2; et al: Criminal Justice and Public Safety)  
**new title:** relative to laboratories conducting alcohol concentration tests and relative to the alcohol ignition interlock program.  
36, am 127, psd 176, conc S am 1036, enr 1056 (Chapter 276)
- HB 195**, relative to the calculation of child support on a per child basis. (McRae, Hills 7: Children and Family Law)  
36, K 123
- HB 196**, relative to changes of party registration on primary day. (Manney, Hills 7: Election Law)  
36, K 475
- HB 197**, relative to a tax credit for service-connected disability. (Peterson, Hills 3: Municipal and County Government)  
36, K 86
- HB 198-FN**, relative to collection of taxes on land with a discretionary easement and relative to the calculation of penalties applied to tax-deeded properties. (Walz, Merr 13: Municipal and County Government)  
**new title:** relative to collection of taxes on land with a discretionary easement or subject to community revitalization tax relief penalty assessments and relative to the calculation of penalties applied to tax-deeded properties.  
36, psd 87, 94, conc S am 790, enr 793 (Chapter 42)
- HB 199-FN-A**, making an appropriation for the restoration of the Sawyer House at the Daniel Webster birthplace. (Webb, Merr 2; et al: Public Works and Highways)  
36, K 107
- HB 200**, not introduced.
- HB 201-FN-A**, relative to recycling and reconstituting the recycling market development steering committee. (Hall, Hills 5; et al: Environment and Agriculture)  
36, ret 1118
- HB 202**, relative to a point system for automobile dealer and inspection station violations. (Packard, Rock 3; Letourneau, Dist 19: Transportation)  
**new title:** relative to a point system for automobile dealer and inspection station violations, appointments to the motor vehicle industry board, and the regulation of snowmobiles as motor vehicles in certain circumstances.  
36, am 149-150, psd 177, nonconc S am, conf 979, 1050, rep adop 1074, 1086, enr 1111 (Chapter 372)



- HB 203**, relative to protections for temporary workers. (Pilliod, Belk 5; et al: Labor, Industrial and Rehabilitative Services)  
36, SO 565, am 617-618, psd 635, S LT 1035, 1123
- HB 204**, relative to the sale of unpasteurized milk. (Pilliod, Belk 5; et al: Environment and Agriculture)  
36, K 132
- HB 205**, relative to procedures for certain court ordered out-of-district placements. (Grassie, Straf 1; et al: Education)  
36, conflict of interest declaration 328, am 361, psd 566, S LT 863, conc S am 1036, enr am 1057, enr 1103 (Chapter 295)
- HB 206**, relative to the disclosure of certain livestock health information. (O'Connell, Hills 6; et al: Environment and Agriculture)  
**new title**: relative to the disclosure of certain livestock health information and relative to voluntary registration of livestock and agricultural premises.  
**2<sup>nd</sup> new title**: relative to the disclosure of certain livestock health information.  
36, am 366, psd 566, conc S am 1037, enr 1056 (Chapter 277)
- HB 207**, establishing a commission to study and make recommendations on the expansion of the New Hampshire Agricultural Innovation Program. (O'Connell, Hills 6; et al: Environment and Agriculture)  
36, psd 245, 325, conc S am 865, enr 1035, appointments 1127 (Chapter 162)
- HB 208**, relative to the definition of swine as a nuisance. (O'Connell, Hills 6; et al: Environment and Agriculture)  
36, Municipal and County Government 132, ret 1118
- HB 209**, relative to eligibility for farm plates. (O'Connell, Hills 6: Transportation)  
36, psd 150, 177, S conc & enr 772 (Chapter 13)
- HB 210**, establishing a committee to study the effects of rescinding the charter of the New Hampshire Bar Association, and relative to the regulation of attorneys by the supreme court. (Sorg, Graf 3: Judiciary)  
36, K 560
- HB 211-FN**, requiring that first-time driver's license applicants be informed of and examined on laws relating to blind pedestrians. (Shurtleff, Merr 10; et al: Transportation)  
37, ret 1118
- HB 212**, relative to possessory actions against tenants. (Sorg, Graf 3: Judiciary)  
37, K 388
- HB 213**, relative to the availability of school nutrition program funds for charter school and nonpublic schools. (Stiles, Rock 15; et al: Education)  
37, psd 243, 325, S conc 861, enr 906 (Chapter 76)
- HB 214**, relative to discovery in criminal matters. (Shurtleff, Merr 10: Criminal Justice and Public Safety)  
37, ret 1118
- HB 215**, relative to fees for hearing care providers. (D. Eaton, Ches 2: Commerce)  
37, psd 239, 325, S conc & enr 772 (Chapter 14)
- HB 216**, establishing a commission to study the causes, effects, and remediation of siltation in the Great Bay Estuary. (Spang, Straf 7; et al: Resources, Recreation and Development)  
37, am 144-145, psd 176, S conc 772, enr am 791, enr 793, appointments 1127-1128 (Chapter 31)

- HB 217**, establishing a committee to study the New Hampshire park and ride program. (Rausch, Rock 5: Transportation)  
37, psd 268, 325, conc S am 795, enr 906, appointments 1128 (Chapter 77)
- HB 218**, relative to chief firewards, engineers, or fire chiefs. (L. Ober, Hills 27; et al: Municipal and County Government)  
37, am 140, psd 176, conc S am 866, enr 1035 (Chapter 163)
- HB 219**, relative to the membership of the wetlands council. (O'Connell, Hills 6; et al: Resources, Recreation and Development)  
37, psd 409, 567, S conc 861, enr am 1033, enr 1050 (Chapter 209)
- HB 220**, removing the requirement that the department of transportation file a report with the state treasurer regarding special accounts within the highway fund. (Waterhouse, Rock 4: Finance)  
**new title:** establishing a reporting requirement for departments that receive highway funds.  
37, am 246-247, psd 325, S conc 772, enr am 792, enr 793 (Chapter 32)
- HB 221**, removing the requirement that the department of transportation report certain information relative to highway activity to the department of administrative services. (Waterhouse, Rock 4: Transportation)  
37, Finance 175, psd 691, 768, S conc 862, enr 977 (Chapter 133)
- HB 222**, relative to residency requirements for members appointed to historic district or heritage commissions. (Webb, Merr 2: Municipal and County Government)  
37, K 171
- HB 223-FN**, requiring the general court to hold sessions in the evening or on Saturday. (Hilliard, Straf 2; et al: Legislative Administration)  
37, rules suspended 232, K 396
- HB 224**, expanding the restriction on advertising devices to include all state highways. (C. Christensen, Hills 19; et al: Public Works and Highways)  
37, K 408
- HB 225**, not introduced.
- HB 226**, relative to the investment of trust funds. (Shattuck, Hills 1: Municipal and County Government)  
37, am 140-141, psd 176, conc S am 866, enr 1035 (Chapter 164)
- HB 227**, relative to identity theft. (Movsesian, Hills 22; et al: Criminal Justice and Public Safety)  
37, am 127-129, psd 176, conc S am 795, enr 906 (Chapter 78)
- HB 228**, relative to the definition of "medical necessity" under the managed care law. (McLeod, Graf 2; et al: Commerce)  
37, am 239, psd 325, S conc 790, enr 793 (Chapter 33)
- HB 229**, relative to licensing requirements for operators of games of chance. (Jasper, Hills 27: Executive Departments and Administration)  
37, am 495-497, psd 568, nonconc S am, conf 1042, 1051, S adop rep 1074, rep rej (RC) 1086-1088
- HB 230**, relative to the use or occupation of public ways. (Jasper, Hills 27: Municipal and County Government)  
37, rem 82, K 94
- HB 231**, establishing a commission to study the municipal assessment of market value for property tax purposes and the regulation of municipal assessors. (S. Merrick, Coos 2: Municipal and County Government)  
37, K 106

- HB 232**, prohibiting retaliatory rent increases in manufactured housing parks. (Pilliod, Belk 5; et al: Commerce)  
**new title:** relative to retaliatory rent increases and mediation of manufactured housing park disputes.  
37, am (RC) 435-438, psd 568, S Com 1034, 1122
- HB 233-FN-A**, specifying compensation for ballot law commissioners. (D. Eaton, Ches 2: Election Law)  
37, ret 1118
- HB 234**, establishing a committee to study state environmental laboratory fees and services. (Owen, Merr 4: Environment and Agriculture)  
37, LT 483-485, 1117
- HB 235**, relative to the recognition of out-of-state marriages. (DeChane, Straf 3; et al: Judiciary)  
37, am & rcmt (RC) 560-564, ret 1118
- HB 236**, relative to the use of “farmers’ market” in trade names. (O’Connell, Hills 6; et al: Environment and Agriculture)  
37, psd 132, 176, S conc 1034, enr 1054 (Chapter 210)
- HB 237**, establishing a committee to study the relationship between land use regulation and the cost of housing. (Sorg, Graf 3: Municipal and County Government)  
37, K 260
- HB 238**, establishing a committee to study limited liability for school teachers. (Sorg, Graf 3: Education)  
37, K 243
- HB 239-FN-A**, appropriating funds to the barn preservation fund matching grants program. (Shurtleff, Merr 10: Environment and Agriculture)  
38, Finance (RC) 159-161, conflict of interest declaration 691, am 691-692, psd 768, S LT 863, 1123
- HB 240**, relative to the amount of child support arrearage triggering the denial of a passport. (Wallner, Merr 12: Children and Family Law)  
38, psd 124, 176, S conc 790, enr 793 (Chapter 34)
- HB 241**, relative to permissible campaign contributions by business organizations and labor unions. (Splaine, Rock 16; et al: Election Law)  
38, ret 1118
- HB 242**, relative to the declaration of candidacy form. (Harvey, Hills 21: Election Law)  
38, psd 243, 325, S conc & enr 772 (Chapter 15)
- HB 243**, relative to a rabies immunization exemption. (S. Merrick, Coos 2: Environment and Agriculture)  
38, am 366-367, psd 566, S conc 860, enr 862 (Chapter 79)
- HB 244**, relative to withholding or withdrawing of medically administered nutrition and hydration and developmentally disabled persons. (N. Elliott, Hills 19; et al: Judiciary)  
**new title:** repealing a certain provision of law regarding advance directives and mentally incompetent or developmentally disabled persons.  
38, am 388, psd 567, S LT 861, 1123
- HB 245-FN**, establishing a common law court. (L. Christiansen, Hills 27; et al: Judiciary)  
38, K 104
- HB 246**, relative to identifying legislative enactments as public policy. (L. Christiansen, Hills 27; et al: Judiciary)  
38, K 297

- HB 247**, allowing surviving spouses to retain special number plates for veterans for one year. (Gile, Merr 10; et al: Transportation)  
**new title:** allowing surviving spouses to retain temporarily special number plates for veterans. 38, am 424-425, psd 568, conc S am 866, enr 1035 (Chapter 165)
- HB 248**, eliminating a separate dedicated account for the fish and game department trapping education program and transferring the sum into the fish and game fund. (L'Heureux, Hills 19; et al: Fish and Game)  
**new title:** eliminating separate dedicated accounts in the fish and game department and transferring the sums into the fish and game fund. 38, am 137, psd 176, S conc 862, enr 977 (Chapter 134)
- HB 249**, extending the study committee on the rules process. (Patten, Carr 4; et al: Executive Departments and Administration)  
**new title:** relative to preliminary objections to rules made by the joint legislative committee on administrative rules, and relative to extending the study committee on the rules process. 38, am 134, psd 176, conc S am 795, enr 906, report date extended & committee amended 1124 (Chapter 80)
- HB 250**, not introduced.
- HB 251**, relative to the authority of the agricultural advisory board. (O'Connell, Hills 6; et al: Environment and Agriculture)  
38, psd 367, 566, S conc 861, enr 906 (Chapter 81)
- HB 252-FN**, relative to exemptions from the permitting process for excavating and dredging. (Spang, Straf 7; et al: Resources, Recreation and Development)  
38, am 266-267, psd 325, S conc 862, enr am 1033, enr 1050 (Chapter 211)
- HB 253**, relative to the use of credit rating for automobile or homeowner insurance. (Hatch, Coos 3; et al: Commerce)  
38, K 438-439
- HB 254**, relative to mandatory employer meetings about political and religious beliefs, including beliefs about joining a union. (Jane Kelley, Rock 15; et al: Labor, Industrial and Rehabilitative Services)  
38, SO 565, am (RC) 618-622, psd 635, S Com 1034, 1122
- HB 255**, establishing a committee to study the implementation and use of growth management ordinances. (Patten, Carr 4: Municipal and County Government)  
38, ret 1118
- HB 256**, relative to the duties and powers of town treasurers. (Bennett Moore, Rock 15; et al: Municipal and County Government)  
**new title:** relative to the duties and powers of town treasurers and the notification of a vote taken by the town of Barrington.  
**2<sup>nd</sup> new title:** relative to the duties and powers of town treasurers. 38, am 260-262, psd 325, conc S am 866, enr am 1047, enr 1056 (Chapter 246)
- HB 257**, allowing towns to appoint or elect a town treasurer. (Bennett Moore, Rock 15; et al: Municipal and County Government)  
38, psd (RC) 298-300, 326, S conc 790, enr 793 (Chapter 35)
- HB 258-FN**, making an appropriation to the department of safety, bureau of emergency management, to fund a grant to the town of Goffstown for installation of sewer and water systems in areas damaged by flooding in May 2006. (Hunter, Hills 7; et al: Finance)  
39, K 247
- HB 259-FN-A**, making an appropriation to the department of safety, bureau of emergency management, to fund a grant to the town of Goffstown for drainage installation in areas damaged by flooding in May 2006. (Hunter, Hills 7; et al: Finance)  
39, K 247

- HB 260-FN**, relative to bail agents and recovery agents. (Ulery, Hills 27; et al: Criminal Justice and Public Safety)  
39, ret 1118
- HB 261**, prohibiting the Carroll county attorney from engaging in the private practice of law. (Bucu, Carr 1; et al: Municipal and County Government)  
39, psd 262, 325, nonconc S am, conf 979, 1051, conferee change 1054, rep adop 1074, 1088 (unable to agree)
- HB 262**, allowing municipalities to exclude certain retirement assets from consideration in qualifying for the elderly property tax exemption. (Martin, Carr 5; et al: Municipal and County Government)  
39, K 262-263
- HB 263-FN**, relative to health insurance riders. (Hunt, Ches 7: Commerce)  
39, am 439, psd 568, S LT 863, 1123
- HB 264**, relative to a time period for declaring a person to be cancer free. (Marshall Quandt, Rock 13; et al: Commerce)  
39, K 275
- HB 265-FN-A**, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making an appropriation therefor. (Batula, Hills 19; et al: Health, Human Services and Elderly Affairs)  
39, ret 1118
- HB 266**, establishing a commission to study affordable and accessible health care for New Hampshire citizens. (Wall, Straf 7; et al: Commerce)  
39, K 336
- HB 267**, relative to certain small loans. (D. Smith, Hills 22; et al: Commerce)  
39, ret 1118
- HB 268**, relative to cellular telephone number directories. (Kurk, Hills 7; et al: Judiciary)  
39, K 388
- HB 269**, prohibiting “pretexting” as a means of obtaining personally identifiable information. (Kurk, Hills 7: Judiciary)  
39, ret 1118
- HB 270**, allowing municipalities to adopt a homestead exemption for property tax assessments on a person’s principal place of residence. (Renzullo, Hills 27: Municipal and County Government)  
39, ret 1118
- HB 271**, making political and commercial advertising placed illegally on public property subject to state litter laws. (Splaine, Rock 16; et al: Election Law)  
39, ret 1118
- HB 272**, relative to scheduling the presidential primary election. (Splaine, Rock 16: Election Law)  
**new title:** relative to presidential primary elections.  
**2<sup>nd</sup> new title:** relative to presidential primary elections and relative to election affidavits.  
39, am 363-365, psd 566, conc S am 980, enr 1054 (Chapter 212)
- HB 273-FN**, relative to special needs trusts. (Bleyler, Graf 9; et al: Judiciary)  
39, vac Health, Human Services and Elderly Affairs 102, am 543, psd 569, conc S am 865, enr 1035 (Chapter 166)
- HB 274**, relative to income and asset limits and amount of the elderly property tax exemption. (Hunter, Hills 7; et al: Municipal and County Government)  
39, K 141

- HB 275**, not introduced.
- HB 276**, relative to political advertising placed on state-owned rights-of-way. (Bouchard, Merr 11; et al: Election Law)  
39, K 475-476
- HB 277-FN**, relative to obstructing or preventing a probation-parole officer in the course of his or her official duties. (Burridge, Ches 3: Criminal Justice and Public Safety)  
39, K 355
- HB 278**, relative to notification of a parent or guardian by the medical facility treating a minor injured in an accident. (Parkhurst, Ches 4: Children and Family Law)  
39, K 328
- HB 279**, establishing the alternative motto “scenic” for motor vehicle number plates. (Parkhurst, Ches 4: Transportation)  
39, K 425
- HB 280**, relative to the identification of persons and organizations petitioning for a citizen initiative or referendum. (Parkhurst, Ches 4: Election Law)  
39, K 365
- HB 281**, relative to the cancellation of buying club memberships. (Bergin, Hills 6; et al: Commerce)  
39, conflict of interest declaration 238, psd 239, 325, S Com 907, 1122
- HB 282**, relative to administration of road tolls. (J. Flanders, Rock 8: Public Works and Highways)  
40, ret 1118
- HB 283**, allocating a portion of unrefunded road tolls to the dam maintenance fund. (D. Russell, Belk 6: Public Works and Highways)  
40, rules suspended rej (RC) 228-231, rules suspended 232, am & Ways and Means 301-302, ret 1118
- HB 284**, relative to the repair of septic systems prior to the sale of waterfront property. (Webb, Merr 2: Resources, Recreation and Development)  
40, K 267
- HB 285**, prohibiting municipalities and state and local officials from entering into nondisclosure agreements with vendors of voting machines with respect to the purchase or lease of voting machines. (Pierce, Graf 9: Election Law)  
40, ret 1118
- HB 286-FN**, relative to a Medicaid waiver for family planning services. (McLeod, Graf 2; et al: Health, Human Services and Elderly Affairs)  
40, psd 249, 325, conc S am 865, enr am 1047, enr 1056 (Chapter 247)
- HB 287**, requiring the seller to provide notice to the buyer of privately owned land or property known, or in an area historically known, to have been inhabited by Native Americans. (J. Tilton, Merr 6; et al: State-Federal Relations and Veterans Affairs)  
40, ret 1118
- HB 288**, requiring the commissioner of the department of health and human services to apply for public and private grant funding for drug and alcohol rehabilitation programs. (J. Tilton, Merr 6; et al: Health, Human Services and Elderly Affairs)  
40, K (RC) 110-113
- HB 289**, relative to joint agreements for the payment of postsecondary education expenses. (Gargasz, Hills 5; et al: Children and Family Law)  
40, K (RC) 430-432

- HB 290**, relative to safe operation of vessels on New Hampshire waters. (Ahlgren, Carr 4: Transportation)  
40, K 425
- HB 291**, relative to licensure of fireworks sellers. (Welch, Rock 8: Criminal Justice and Public Safety)  
40, ret 1118
- HB 292**, relative to consideration of the preference of a mature minor in the determination of parental rights and responsibilities. (Gargasz, Hills 5; et al: Children and Family Law)  
**new title:** relative to consideration of the preference of a mature minor in the modification of parental rights and responsibilities.  
40, am 124, psd 176, conc S am 794, enr am 1033, enr 1050 (Chapter 213)
- HB 293**, allowing municipalities to establish agricultural commissions. (O'Connell, Hills 6; et al: Municipal and County Government)  
**new title:** allowing municipalities to establish agricultural commissions and relative to the ratification of a vote taken by the town of Barrington.  
40, SO 565, am 629-630, psd 635, nonconc S am, conf 979, 1051, rep adop 1074, 1088, enr 1105 (Chapter 266)
- HB 294-FN**, relative to current use taxation of certain farm buildings. (Stohl, Coos 1; et al: Municipal and County Government)  
40, ret 1118
- HB 295**, relative to the definition of biomass and biomass fuel. (Phinizy, Sull 5; et al: Science, Technology and Energy)  
40, ret 1118
- HB 296**, prohibiting the use of flatbed trailers with outrigger wheels in parades. (McEachern, Rock 16; et al: Transportation)  
40, rules suspended & SO 565, 635, rcmt 657, ret 1118
- HB 297**, relative to signs for the Souhegan Valley. (Daniels, Hills 6; et al: Public Works and Highways)  
40, K 142
- HB 298**, relative to the healthy kids corporation. (Hunt, Ches 7; et al: Commerce)  
40, psd 336-337, 566, S conc 906, enr 1035 (Chapter 167)
- HB 299**, relative to the sale of hypodermic syringes. (Parkhurst, Ches 4: Health, Human Services and Elderly Affairs)  
41, K 250
- HB 300**, not introduced.
- HB 301**, relative to nonresident registration of motor vehicles. (Cooney, Graf 7; et al: Transportation)  
41, psd 425, 568, S conc 860, enr 793 (Chapter 53)
- HB 302**, requiring notice of construction or expansion of a public school. (Graham, Hills 18; et al: Education)  
41, K 243
- HB 303**, repealing the restrictions on Sunday dancing and repealing the prohibition on transporting moving picture films aboard passenger train cars. (Hamm, Merr 4: Judiciary)  
**new title:** allowing Sunday dancing and repealing the prohibition on transporting moving picture films aboard passenger train cars.  
41, am 388-389, psd 567, conc S am 866, enr 1035 (Chapter 168)
- HB 304**, relative to the criteria under which guardianship over a minor is granted. (E. Anderson, Merr 13; et al: Children and Family Law)  
41, am 328-329, psd 566, S Com 907, 1122

- HB 305**, establishing a task force to develop legislation for expanding access to affordable health insurance for the 2008 legislative session. (McLeod, Graf 2; et al: Commerce)  
**new title:** establishing a task force to develop legislation for expanding access to affordable health insurance for the 2008 and 2009 legislative session.  
41, am 439-440, psd 568, conc S am 1036, enr 1056, appointments 1128 (Chapter 248)
- HB 306**, establishing a task force on work and family. (Gile, Merr 10; et al: Labor, Industrial and Rehabilitative Services)  
41, am 298, psd 326, nonconc S am, conf 979, 1051, conferee change 1054, rep adop 1074, 1088, enr am 1109, enr 1111, appointments 1128-1129 (Chapter 373)
- HB 307**, relative to examinations of electricians by the electricians' board. (Infantine, Hills 13: Executive Departments and Administration)  
41, am 245-246, psd 325, S conc & enr 772 (Chapter 16)
- HB 308**, relative to continuing education for licensed electricians. (Infantine, Hills 13: Executive Departments and Administration)  
41, K 246
- HB 309**, relative to the uniform fine schedule for the fish and game department. (Tholl, Coos 2: Criminal Justice and Public Safety)  
41, am 355-356, psd 566, S conc 860, enr 793 (Chapter 54)
- HB 310**, allowing municipalities to regulate wind turbines used for home energy production. (W. Chase, Ches 1; et al: Science, Technology and Energy)  
**new title:** allowing municipalities to regulate small wind energy systems.  
41, am & Municipal and County Government 173-174, rem 328, rules suspended & SO 565, 635, rcmt 679-680, ret 1118
- HB 311**, establishing a committee to study the feasibility of setting liability limits for commuter rail operations. (Lasky, Hills 26; et al: Transportation)  
**new title:** establishing a committee to review liability issues for commuter rail operations.  
41, am 425-426, psd 568, S conc 860, enr 862, appointments 1129 (Chapter 82)
- HB 312-FN**, relative to alternative providers for certain health services. (Rosenwald, Hills 22; et al: Executive Departments and Administration)  
41, psd 368, 567, S conc 861, enr 906 (Chapter 83)
- HB 313**, establishing a committee to study reimbursing towns for emergency services on interstate highways. (P. McMahon, Merr 3; et al: Public Works and Highways)  
41, K 142
- HB 314**, authorizing the Pelham school board to transfer funds for the purpose of renting portable classrooms. (Renzullo, Hills 27; et al: Education)  
41, rem 327, rules suspended & SO 565, 635, K 676
- HB 315**, relative to criminal background checks of municipal employees through the New Hampshire state police. (Daniels, Hills 6; et al: Municipal and County Government)  
41, ret 1118
- HB 316**, relative to the 5-year assessment review by the department of revenue administration. (Stohl, Coos 1; et al: Municipal and County Government)  
**new title:** relative to the 5-year assessment review by the department of revenue administration, and ratifying certain actions of the 2007 Kearsarge regional school district meeting.  
41, psd 263, 325, conc S am 981, enr 1054 (Chapter 214)
- HB 317**, requiring improvements to state highways by developers to meet the same standards as federally or state funded improvements. (Shattuck, Hills 1: Public Works and Highways)  
41, K 142



- HB 318**, relative to large groundwater withdrawals. (Camm, Rock 8: Resources, Recreation and Development)  
41, rem 328, rules suspended & SO 565, 635, am 682-683, psd 688, S conc 906, enr 1035 (Chapter 169)
- HB 319**, relative to wetlands mitigation. (Camm, Rock 8; et al: Resources, Recreation and Development)  
**new title:** relative to emergency permits for projects funded through the Emergency Watershed Protection Program.  
**2<sup>nd</sup> new title:** relative to permits for projects funded through the Emergency Watershed Protection Program.  
41, am 409, psd 567, conc S am 1040, enr 1056 (Chapter 278)
- HB 320**, relative to the tax exemption for solar energy systems. (Hunt, Ches 7: Municipal and County Government)  
41, K 263
- HB 321**, relative to river protection and restoration. (Hinkle, Hills 19; et al: Resources, Recreation and Development)  
41, K 409
- HB 322**, establishing a committee to study enhancing training for retail liquor licensees. (Butynski, Ches 4; et al: Commerce)  
41, K 124
- HB 323**, establishing a committee to study the liquor commission and liquor revenues. (Kidder, Merr 1; et al: Commerce)  
**new title:** establishing a committee to study liquor commission revenues, enforcement, and training.  
41, am 124-125, psd 176, S conc 906, enr 1034, appointments 1129 (Chapter 170)
- HB 324**, prohibiting the use of artificial trans fats in the preparation of food. (McEachern, Rock 16; et al: Commerce)  
**new title:** relative to the use of artificial trans fats and saturated fats in food prepared and served in public schools.  
42, am 239-240, psd 325, S nonconc 860
- HB 325**, not introduced.
- HB 326**, relative to disclosure of the basis for disciplinary proceedings among members of the board of medicine. (Pantelakos, Rock 16; et al: Executive Departments and Administration)  
42, K 134-135
- HB 327**, relative to pharmacy-based immunization delivery. (Wendelboe, Belk 1; et al: Health, Human Services and Elderly Affairs)  
**new title:** allowing collaborative pharmacy practice agreements to include pharmacy locations during declared emergencies.  
42, am 250, psd 325, S nonconc 907
- HB 328**, relative to the regulation of electrical installation of alarms. (Infantine, Hills 13: Executive Departments and Administration)  
42, K 368
- HB 329**, relative to the fire equipment servicing certification program. (Infantine, Hills 13: Executive Departments and Administration)  
42, ret 1118
- HB 330**, establishing a task force to study the feasibility of supplying laptop computers to all 7<sup>th</sup> grade children in the state. (Blanchard, Merr 10; et al: Education)  
42, ret 1118

- HB 331**, relative to the withholding of building permits in certain cases. (Skinder, Sull 1; et al: Municipal and County Government)  
42, ret 1118
- HB 332**, relative to the procurement of eggs and egg products by the state. (Hall, Hills 5; et al: Environment and Agriculture)  
42, K 485
- HB 333**, requiring driver education to include operation of manual transmission vehicles. (Wells, Rock 8; et al: Transportation)  
42, K 426
- HB 334**, relative to the hours for sale of alcoholic beverages in stores. (Theberge, Coos 4: Commerce)  
**new title:** relative to the hours for on-premises sale of alcoholic beverages.  
42, am (RC) 275-278, psd 325, S nonconc 790
- HB 335**, defining “unnecessary hardship” for purposes of zoning variances. (Sorg, Graf 3; et al: Municipal and County Government)  
42, ret 1118
- HB 336**, requiring notice of the classifications of employee and independent contractor. (Infantine, Hills 13; et al: Labor, Industrial and Rehabilitative Services)  
42, psd 390, 567, S conc 862, enr 977 (Chapter 135)
- HB 337**, relative to penalties for failure to have workers’ compensation coverage. (Infantine, Hills 13; et al: Labor, Industrial and Rehabilitative Services)  
**new title:** relative to penalties for failure to have workers’ compensation coverage and continually appropriating a special fund.  
42, am & Ways and Means 390-391, am 696-697, psd 768, conc S am 1040, enr 1103 (Chapter 296)
- HB 338**, requiring the plumbers’ board to report on the feasibility of reestablishing reciprocity with neighboring states in licensing of plumbers. (Butynski, Ches 4; et al: Executive Departments and Administration)  
42, psd 368, 567, S conc 861, enr 906 (Chapter 84)
- HB 339**, establishing a commission to study the processing and denial of health insurance claims. (Butynski, Ches 4; et al: Commerce)  
42, K 337
- HB 340**, restricting sex offenders from residing within a certain distance from schools and child-oriented organizations. (Infantine, Hills 13: Criminal Justice and Public Safety)  
42, rem 327, rules suspended & SO 565, 635, K (RC) 670-673
- HB 341**, establishing a study committee to review current laws and rules enforced by the liquor commission. (Infantine, Hills 13: Commerce)  
42, K 125
- HB 342-FN**, relative to workers’ compensation coverage for certain independent contractors. (Infantine, Hills 13: Labor, Industrial and Rehabilitative Services)  
42, K 391
- HB 343**, relative to religious organization property tax exemption requirements. (Itse, Rock 9: Municipal and County Government)  
42, K 399
- HB 344**, relative to conduct of recounts. (Whalley, Belk 5: Election Law)  
42, psd 365, 566, S conc 862, enr 977 (Chapter 136)

- HB 345**, relative to certification of death certificates. (Rochette, Hills 20; et al: Health, Human Services and Elderly Affairs)  
42, am 250-255, psd 325, conc S am 980, enr 1054 (Chapter 215)
- HB 346-FN-L**, establishing a defined contribution retirement option in the New Hampshire retirement system. (L. Christiansen, Hills 27: Executive Departments and Administration)  
42, rules suspended 232, K 368-369
- HB 347**, establishing a committee to study establishing classes of property to be taxed at different rates under the statewide enhanced education tax. (Carson, Rock 3: Ways and Means)  
42, K 150
- HB 348**, relative to the payment of college or postsecondary education expenses as part of a child support agreement. (Emerson, Ches 7; et al: Children and Family Law)  
42, K 329
- HB 349**, relative to exemptions from the consumer protection act. (Kurk, Hills 7: Commerce)  
42, K 337
- HB 350**, not introduced.
- HB 351**, clarifying that the definition of “overseas business organization” includes all foreign incorporated business organizations and all 80/20 business organizations, and redefining “business activity” for purposes of the business profits tax. (Major, Rock 8; et al: Ways and Means)  
42, am 150-151, psd 177, S Com 863, 1122
- HB 352-L**, relative to trust funds for public school educational enhancement. (Snow, Rock 1: Education)  
42, ret 1119
- HB 353-L**, relative to public access to ballots prior to their destruction. (Snow, Rock 1: Election Law)  
43, K 243
- HB 354**, establishing a committee to study the feasibility of establishing ecological consumption taxes as a source of revenue for the state. (Owen, Merr 4; et al: Ways and Means)  
43, K 151
- HB 355-FN**, establishing number plates supporting New Hampshire public higher education. (Hutz, Straf 5; et al: Transportation)  
43, ret 1119
- HB 356**, relative to requiring a comprehensive impact report before a municipality approves or disapproves a proposed development project. (DeChane, Straf 3; et al: Municipal and County Government)  
43, K 263
- HB 357**, relative to disclosure of the sale of revolving credit loans to third parties. (Hopfgarten, Rock 5: Commerce)  
43, K 125
- HB 358**, relative to the procedure for listing candidates on state election ballots. (Hopfgarten, Rock 5: Election Law)  
43, ret 1119
- HB 359-FN**, relative to recovery of medical assistance from an estate. (Kidder, Merr 1: Judiciary)  
43, ret 1119
- HB 360**, relative to commercial construction contracts. (Infantine, Hills 13: Commerce)  
43, K 337

- HB 361**, relative to technical changes in certain laws governing public utilities. (Kaen, Straf 7: Science, Technology and Energy)  
**new title:** relative to certain laws governing public utilities and the proposed acquisition of certain assets and franchises of Verizon by FairPoint.  
 43, am 307-309, psd 326, S conc 790, enr am 792, enr 793 (Chapter 25)
- HB 362**, relative to the director of the division of vital records. (Pilotte, Hills 16; et al: Executive Departments and Administration)  
**new title:** relative to the advisory committee on quality of vital records information.  
 43, am 135, psd 176, conc S am 795, enr 906, committee amended 1124 (Chapter 85)
- HB 363**, relative to certain notification for emergency contraception. (Dumaine, Rock 3; et al: Executive Departments and Administration)  
 43, rem 327, rules suspended & SO 565, 635, K 678
- HB 364**, requiring that the order of names on ballots be determined by lottery. (Walz, Merr 13: Election Law)  
 43, K 244
- HB 365**, establishing a commission to study foreclosures of home mortgages and the foreclosure rescue scam industry. (Donovan, Sull 4: Commerce)  
**new title:** regulating the practice of foreclosure consultants and pre-foreclosure conveyances.  
 43, am 240, psd 325, nonconc S am, conf 1042, 1051, rep adop 1074, 1088, enr am 1109, enr 1111 (Chapter 322)
- HB 366-FN**, relative to work on Thanksgiving and Christmas Day. (Hilliard, Straf 2; et al: Labor, Industrial and Rehabilitative Services)  
 43, K 391
- HB 367**, relative to incompatible offices. (Vaillancourt, Hills 15: Election Law)  
 43, psd 244, 325, S Com 907, 1122
- HB 368-FN**, prohibiting trafficking in persons. (Ulery, Hills 27; et al: Criminal Justice and Public Safety)  
 43, K 356
- HB 369-FN**, relative to state reimbursement for costs of bailiffs. (Mooney, Hills 19; et al: Judiciary)  
 43, ret 1119
- HB 370**, relative to withholding or withdrawal of life-sustaining treatment. (Mooney, Hills 19; et al: Judiciary)  
 43, K 389
- HB 371**, establishing accessibility requirements for new residential home construction. (L'Heureux, Hills 19; et al: Commerce)  
 43, K 240-241
- HB 372-FN-A**, exempting motor vehicles equipped and used for transporting disabled persons from the tax on rental of motor vehicles. (M. Clark, Hills 18; et al: Ways and Means)  
 43, am 151-152, psd 177, S conc & enr 772 (Chapter 17)
- HB 373**, relative to unlawful possession of alcohol by a minor. (Tholl, Coos 2; et al: Criminal Justice and Public Safety)  
 43, ret 1119
- HB 374-FN-A**, increasing the appropriation to the firemen's relief fund. (Price, Hills 26; et al: Finance)  
 43, ret 1119
- HB 375**, not introduced.

- HB 391**, establishing a committee to study the implementation of a circuit breaker on property tax liability. (J. Hammond, Hills 3; et al: Municipal and County Government)  
44, rem 123, SO 176, 226, K 300-301
- HB 392**, relative to the use of property held by the state of New Hampshire under an easement specifying low impact recreational use only. (Spang, Straf 7; et al: Resources, Recreation and Development)  
44, SO 176, am (RC) 207-210, psd 227, S Com 1034, 1123
- HB 393**, relative to information filed by utilities paying the utility property tax. (Patten, Carr 4; et al: Municipal and County Government)  
44, psd 400, 567, S conc 1034, enr 1054 (Chapter 216)
- HB 394-FN**, relative to notice to defendants in small claims actions. (D. Cote, Hills 23; et al: Judiciary)  
44, am 389, psd 567, S conc 860, enr 862 (Chapter 86)
- HB 395-FN**, relative to penalties for computer crime. (Rosenwald, Hills 22; et al: Criminal Justice and Public Safety)  
44, am 356, psd 566, S conc 862, enr 977 (Chapter 137)
- HB 396**, establishing a commission to study autism spectrum disorders in New Hampshire. (Butcher, Ches 3; et al: Health, Human Services and Elderly Affairs)  
44, am 104, psd 120, S conc 906, enr 1034, appointments 1129 (Chapter 171)
- HB 397**, relative to restricted drivers' licenses. (Wells, Rock 8; et al: Transportation)  
44, am 426, psd 568, conc S am 981, enr 1054 (Chapter 217)
- HB 398**, establishing a committee to study implementing a bedroom tax on residential dwellings. (Holden, Hills 7: Municipal and County Government)  
44, K 141
- HB 399**, relative to variable rates of overtime. (Holden, Hills 7: Labor, Industrial and Rehabilitative Services)  
44, ret 1119
- HB 400**, not introduced.
- HB 401-FN**, relative to the removal of certain property tax abatement petitions filed with the superior court. (G. Richardson, Merr 4; et al: Judiciary)  
44, K 565
- HB 402-FN-A**, making an appropriation to the Good Neighbor Health Clinic. (L. Hammond, Graf 11; et al: Finance)  
44, K 248
- HB 403**, establishing the Interstate 93 widening commission. (Kurk, Hills 7: Public Works and Highways)  
44, rem 123, SO 176, 226, K 302
- HB 404-L**, prohibiting state and local law enforcement agencies from enforcing federal immigration laws. (Mesa, Hills 17; et al: Criminal Justice and Public Safety)  
44, ret 1119
- HB 405**, establishing a committee to study the disposal of end of life vehicles. (L. Christiansen, Hills 27: Transportation)  
45, K 426
- HB 406**, relative to access to state child support enforcement records. (Moran, Hills 18; et al: Children and Family Law)  
45, psd 329, 566, S conc 906, enr am 1048, enr 1056 (Chapter 249)

- HB 407-FN-A**, establishing a dairy stabilization fund for dairy farmers. (O'Connell, Hills 6; et al: Environment and Agriculture)  
**new title:** relative to assistance for milk producers.  
**2<sup>nd</sup> new title:** relative to assistance for milk producers.  
45, am & Finance 486-489, am (RC) 739-742, psd 768, S LT 863, conc S am 1037, enr am 1106-1107, enr 1111, appointments 1141 (Chapter 374)
- HB 408**, establishing a council for the homeless. (J. Tilton, Merr 6; et al: Health, Human Services and Elderly Affairs)  
45, K 543
- HB 409**, relative to liquor licenses for sports recreation facilities. (Aguiar, Graf 6; et al: Commerce)  
45, am 125-127, psd 176, S conc 790, enr 793 (Chapter 36)
- HB 410**, establishing a commission on child support issues. (Matarazzo, Hills 20: Children and Family Law)  
45, psd 329, 566, nonconc S am, conf 1042, S rej conf req 1051
- HB 411**, establishing a committee to study the absorption of the fish and game department by other state agencies. (Marshall Quandt, Rock 13; et al: Fish and Game)  
45, K 138
- HB 412-FN-A**, relative to a new bridge connecting Hampton and Seabrook and making an appropriation therefor. (Stiles, Rock 15; et al: Public Works and Highways)  
45, K 172
- HB 413**, relative to the order of names on ballots. (Vaillancourt, Hills 15; et al: Election Law)  
45, K 476
- HB 414**, relative to the sale of class A sludge in bulk agricultural fertilizer bags. (Phinizy, Sull 5; et al: Environment and Agriculture)  
45, K 367
- HB 415-FN**, establishing a geothermal assessment project. (Theberge, Coos 4; et al: Science, Technology and Energy)  
45, am & Finance 148, ret 1119
- HB 416**, relative to mercury reduction. (Phinizy, Sull 5; et al: Environment and Agriculture)  
**new title:** relative to mercury reduction and establishing a committee to study methods of improving the recycling rate in New Hampshire for mercury-added thermostats.  
45, am 489-490, psd 568, conc S am 1037, enr 1056, appointments 1129 (Chapter 279)
- HB 417-FN-A**, making a supplemental appropriation to the department of safety for overtime pay to state troopers. (Rodeschin, Sull 2; et al: Finance)  
**new title:** allowing the department of safety to transfer funds within the budget of the division of state police.  
45, am 248, psd 325, S conc & enr 772 (Chapter 18)
- HB 418**, relative to RV friendly highway signs. (Martin, Carr 5; et al: Public Works and Highways)  
45, am 142-143, psd 176, S conc 861, enr 906 (Chapter 87)
- HB 419-FN-L**, relative to the cost to counties of convicted inmates awaiting sentencing in a county correctional facility. (Patten, Carr 4; et al: Criminal Justice and Public Safety)  
45, rem 122, SO 176, Finance 218, K 692
- HB 420**, relative to the procedures for approving, reviewing, and transferring appropriations in county budgets. (Patten, Carr 4; et al: Municipal and County Government)  
45, K 263

- HB 421**, relative to the right to a jury trial. (Itse, Rock 9; et al: Judiciary)  
45, K 565
- HB 422**, authorizing the granting of abatements to persons whose children are enrolled in schools other than the local public schools. (Itse, Rock 9; et al: Municipal and County Government)  
45, K 141
- HB 423**, allowing municipalities to adopt a business incentive property tax credit. (Mulholland, Graf 10; et al: Municipal and County Government)  
45, K 400
- HB 424-FN-A**, relative to industrial hemp and establishing an industrial hemp special program fund. (Owen, Merr 4; et al: Environment and Agriculture)  
45, rem 327, rules suspended & SO 565, 635, psd (RC) 676-678, 688, S nonconc 861
- HB 425**, not introduced.
- HB 426**, relative to workers' compensation rates and resolution of disputes relative to classification of employees or independent contractors. (Infantine, Hills 13: Labor, Industrial and Rehabilitative Services)  
45, am 257-258, psd 325, conc S am 866, enr 1035 (Chapter 172)
- HB 427**, relative to construction and demolition debris. (Hamm, Merr 4; et al: Science, Technology and Energy)  
**new title:** defining construction and demolition debris and certified waste-derived product, and relative to the department of environmental services certifying waste-derived products of the wood component of construction and demolition debris.  
45, am 309-310, psd 326, S conc 860, enr am 1034, enr 1035 (Chapter 127)
- HB 428**, relative to prohibiting the combustion of construction and demolition waste. (Hamm, Merr 4; et al: Science, Technology and Energy)  
**new title:** prohibiting the combustion of the wood component of construction and demolition debris and defining construction and demolition debris.  
**2<sup>nd</sup> new title:** prohibiting the combustion of the wood component of construction and demolition debris and defining construction and demolition debris and transfer station.  
45, am 310-311, psd 326, conc S am 795, enr 862 (Chapter 128)
- HB 429**, relative to nominations by multiple parties. (M. Smith, Straf 7; et al: Election Law)  
45, psd 476, 568, nonconc S am, conf 1042, 1051, conferee change 1054, S adop rep 1075, rej rep (RC) 1089-1091
- HB 430**, establishing a committee to study a constitutional amendment to guarantee a right to personal privacy. (Ryan, Merr 2; et al: Judiciary)  
46, K 565
- HB 431**, establishing a commission to study academic and financial requirements for recipients of Pell grants. (Ryan, Merr 2; et al: Education)  
46, K 243
- HB 432-FN**, relative to age requirements for cocktail lounges. (Velez, Hills 12; et al: Commerce)  
46, ret 1119
- HB 433-FN-A**, relative to funding of fish and game department search and rescue operations. (D. Smith, Hills 22; et al: Fish and Game)  
46, rem 123, SO 176, Finance 220, K 692
- HB 434**, relative to fishing in the Connecticut river. (D. Smith, Hills 22; et al: Fish and Game)  
46, K 382
- HB 435-FN-A**, making an appropriation to provide a death benefit for the family of a seasonal department of transportation employee. (Shurtleff, Merr 10: Finance)  
46, rem 237, K 318

- HB 436**, expanding employee freedom of expression to all public employees. (Ulery, Hills 27; et al: Labor, Industrial and Rehabilitative Services)  
46, ret 1119
- HB 437-FN-L**, permitting same gender couples to enter spousal unions and have the same rights, responsibilities, and obligations as married couples. (Splaine, Rock 16; et al: Judiciary)  
**new title:** permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.  
46, SO 565, am (RC) & debate printed 573-596, psd 635, S conc 790, enr 793 (Chapter 58)
- HB 438**, renaming a certain island in Blackey's Cove in Lake Winnepesaukee. (Patten, Carr 4; et al: Resources, Recreation and Development)  
46, am 107, psd 120, S conc & enr 772 (Chapter 19)
- HB 439**, relative to certain rulemaking authority of the commissioner of environmental services. (Patten, Carr 4; et al: Executive Departments and Administration)  
46, psd 136, 176, S conc 862, enr 977 (Chapter 138)
- HB 440-FN**, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting. (Patten, Carr 4; et al: Resources, Recreation and Development)  
46, rem 123, SO 176, 226, suspension of rules rej (RC) 228-231, rules suspended 232, am & Executive Departments and Administration 303-306, psd 691, 768, S conc 861, enr 906 (Chapter 88)
- HB 441-FN-A**, establishing a non-motorized trails grant program and making an appropriation therefor. (Solomon, Graf 10: Resources, Recreation and Development)  
46, ret 1119
- HB 442-FN**, prohibiting unconscionable prices for essential commodities during a declared state of emergency. (Osborne, Merr 12; et al: Commerce)  
46, ret 1119
- HB 443**, relative to requirements for admission to the New Hampshire bar upon motion. (Marshall Quandt, Rock 13; et al: Judiciary)  
46, ret 1119
- HB 444**, relative to parental rights in abuse and neglect cases. (Pelkey, Ches 7; et al: Children and Family Law)  
46, am 330, psd 566, S conc 906, enr 1035 (Chapter 173)
- HB 445-FN-L**, relative to the assessment of open space land. (Pelkey, Ches 7; et al: Municipal and County Government)  
46, ret 1119
- HB 446**, requiring the expulsion of a pupil for threatening a school employee. (Mooney, Hills 19; et al: Criminal Justice and Public Safety)  
**new title:** relative to criminal threatening in a safe school zone.  
46, am 356-357, psd 566, S conc 862, enr 977 (Chapter 139)
- HB 447**, relative to net energy metering. (Kaelin, Hills 4; et al: Science, Technology and Energy)  
46, am 421, psd 568, S conc 906, enr 1035 (Chapter 174)
- HB 448-L**, relative to early renewals of vehicle registrations. (Irwin, Hills 3: Transportation)  
46, am 426, psd 568, S conc 862, enr 977 (Chapter 140)
- HB 449-FN**, relative to motor vehicle inspections. (Vaillancourt, Hills 15; et al: Transportation)  
46, rem 123, SO 176, 226, rcmt 314, ret 1119
- HB 450**, not introduced.



- HB 451-FN**, increasing the state's portion of special education funding. (Itse, Rock 9; et al: Finance)  
**new title:** relative to the application of non-state sources of funding to catastrophic special education costs.  
46, am 380-381, psd 567, S nonconc 861
- HB 452-FN**, dedicating a percentage of liquor, wine, and beer revenues to the education trust fund. (Parkhurst, Ches 4: Ways and Means)  
46, K 152
- HB 453**, establishing a committee to study the feasibility of merging marine patrol and fish and game department law enforcement staffing and resources. (Walz, Merr 13; et al: Fish and Game)  
46, K 138
- HB 454**, relative to meetings of the supervisors of the checklist. (Pierce, Graf 9; et al: Election Law)  
46, ret 1119
- HB 455**, repealing the law relative to screening panels for medical injury claims. (Rowe, Hills 6; et al: Judiciary)  
46, ret 1119
- HB 456**, limiting liability for town health officers when acting in the course of their official duties. (Gorman, Hills 23: Municipal and County Government)  
**new title:** limiting liability for town health officers and overseers of public welfare when acting in the course of their official duties.  
47, am 171-172, psd 177, S Com 907, 1123
- HB 457**, allowing municipalities to restrict lawn watering during declared droughts. (Spang, Straf 7; et al: Municipal and County Government)  
**new title:** allowing local governing bodies to restrict lawn watering during declared droughts.  
47, SO 565, am (RC) 630-633, psd 635, S LT 907, S conc 1034, enr 1054 (Chapter 218)
- HB 458**, relative to the exemption of replacement or redundant wells from the large groundwater withdrawal permitting process. (Spang, Straf 7; et al: Resources, Recreation and Development)  
47, psd 145, 176, S conc 860, enr 793 (Chapter 55)
- HB 459**, relative to the identification of wells. (Spang, Straf 7; et al: Resources, Recreation and Development)  
**new title:** relative to the identification of wells and monitoring wells.  
47, am 414-415, psd 568, S conc 861, enr 906 (Chapter 89)
- HB 460**, relative to conservation restrictions to protect public water supplies. (Moody, Rock 12; et al: Resources, Recreation and Development)  
47, am 267, psd 325, S Com 1034, 1123
- HB 461**, relative to purchasing alliances. (Stepanek, Hills 6; et al: Commerce)  
47, ret 1119
- HB 462**, relative to site plan review of agricultural operations. (O'Connell, Hills 6; et al: Municipal and County Government)  
47, K 401
- HB 463**, relative to the awarding parental rights and responsibilities to a stepparent or grandparent. (Itse, Rock 9; et al: Children and Family Law)  
47, psd 330, 566, S Com 907, 1123
- HB 464**, relative to Silver Lake in Belmont and Tilton. (Whalley, Belk 5; et al: Resources, Recreation and Development)  
47, K 145

- HB 465-FN**, relative to marking ballots cast at elections. (L. Christiansen, Hills 27: Election Law)  
48, K 476
- HB 466-L**, relative to removal of vehicles from state park and ride lots. (Rausch, Rock 5; et al: Public Works and Highways)  
**new title:** relative to removing abandoned vehicles and moving improperly parked vehicles in state park and ride lots.  
48, am 143, psd 176, conc S am 866, enr 1035 (Chapter 175)
- HB 467**, requiring the department of environmental services to develop a climate action plan and to report on global warming issues. (Ryan, Merr 2; et al: Science, Technology and Energy)  
**new title:** establishing a state climate change policy commission and developing a climate action plan and to report on climate change issues.  
48, rules suspended & SO 565, 635, am & rcmt 638-640, ret 1119
- HB 468**, relative to establishing the freedom's way heritage area and commission. (Bergin, Hills 6; et al: Resources, Recreation and Development)  
48, am 146, psd 176, conc S am 790, enr am 793, enr 861, appointments 1141-1142 (Chapter 61)
- HB 469**, relative to on-premises cocktail lounge licenses for caterers. (Hunt, Ches 7: Commerce)  
**new title:** relative to on-premises cocktail lounge licenses for caterers and relative to beverage manufacturer hospitality rooms.  
48, am 241, psd 325, S conc & enr 772 (Chapter 20)
- HB 470**, relative to the determination of parental rights and responsibilities. (McRae, Hills 7: Children and Family Law)  
48, am 330-331, psd 566, S nonconc 907
- HB 471-FN-A**, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund. (Benn, Graf 9; et al: Labor, Industrial and Rehabilitative Services)  
48, suspension of rules rej (RC) 228-231, rules suspended 232, am & Ways and Means 258-260, am 697-698, psd 768, conc S am 1040, enr 1105 (Chapter 323)
- HB 472-FN**, increasing fees for hazardous waste management and contaminated site cleanup, establishing rulemaking authority to set future fees, and changing reporting requirements. (Powers, Rock 16; et al: Environment and Agriculture)  
**new title:** increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements.  
48, am & Ways and Means 161-164, psd 766, 768, S conc 861, enr am 1033, enr 1050 (Chapter 219)
- HB 473-FN**, relative to reimbursement for members of the council for teacher education. (Rous, Straf 7; et al: Education)  
48, psd 282, 326, S conc & enr 772 (Chapter 21)
- HB 474**, excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities. (Mitchell, Ches 7: Municipal and County Government)  
48, rem 328, rules suspended & SO 565, 635, rcmt 680, ret 1119
- HB 475**, not introduced.
- HB 476**, relative to membership on the public utilities commission. (Weyler, Rock 8; et al: Science, Technology and Energy)  
48, K 175
- HB 477-FN**, relative to redeeming tokens. (DeJoie, Merr 11: Public Works and Highways)  
48, K 264

- HB 478-FN-A**, decreasing the rate of the business profits tax. (Renzullo, Hills 27; et al: Ways and Means)  
48, K 268
- HB 479**, relative to the default budget in official ballot towns. (Weyler, Rock 8; et al: Municipal and County Government)  
48, SO 565, K 633
- HB 480**, relative to party columns listing names on ballots. (Whalley, Belk 5; et al: Election Law)  
48, am 476, psd 568, S conc 862, enr 977 (Chapter 141)
- HB 481**, relative to suspensions of liquor licenses. (Velez, Hills 12; et al: Commerce)  
48, K 338
- HB 482**, adding the song “Live Free or Die” as an official state song. (D. Smith, Hills 22; et al: Executive Departments and Administration)  
48, psd 136, 176, conc S am 865, enr 1034 (Chapter 142)
- HB 483-FN**, relative to mosquito control districts. (MacKay, Merr 11; et al: Health, Human Services and Elderly Affairs)  
48, psd 256, 325, S conc & enr 772 (Chapter 22)
- HB 484**, relative to liens held by condominium associations on condominiums. (Hutchinson, Rock 3: Commerce)  
48, K 338
- HB 485**, exempting tidal waters from the general rules for vessels operating on water. (Schmidt, Straf 4: Resources, Recreation and Development)  
48, ret 1119
- HB 486-FN**, requiring that the effect of turnpike tolls on towns be proportional and reasonable. (Hinkle, Hills 19; et al: Public Works and Highways)  
48, K 264-265
- HB 487**, granting a property tax credit to persons aged 65 and older who have been residents for at least 10 years and not been convicted of a felony. (DiFruscia, Rock 4; et al: Municipal and County Government)  
48, K 263-264
- HB 488-FN-A-L**, relative to the state chief medical examiner and medico-legal death investigations. (Franklin, Sull 2; et al: Criminal Justice and Public Safety)  
**new title:** relative to the state chief medical examiner and medico-legal death investigations and making an appropriation to the department of justice for autopsy costs.  
**2<sup>nd</sup> new title:** relative to the state chief medical examiner and medico-legal death investigations.  
49, rem 122, SO 176, am & Finance 218-219, am 742-743, psd 768, nonconc S am, conf 1042, 1051, rep adop 1075, 1091, enr am 1109-1110, enr 1111 (Chapter 324)
- HB 489-FN**, changing the salary grade of certain department of safety positions. (Tholl, Coos 2: Executive Departments and Administration)  
49, K 136
- HB 490-FN**, requiring hospitals to make the price of certain common procedures available to the public. (Hall, Hills 5: Health, Human Services and Elderly Affairs)  
49, K 256
- HB 491**, establishing the public health improvement services council. (Pilliod, Belk 5; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing a public health improvement services council.  
49, am 383-385, psd 567, conc S am 981, enr 1056, appointments 1130 (Chapter 250)

- HB 492**, relative to consumer protection in telecommunication contracts. (Levesque, Hills 5: Commerce)  
49, ret 1119
- HB 493-FN-A**, expanding the meals and rooms tax on rentals to include motorized recreational vehicles. (D. Smith, Hills 22; et al: Ways and Means)  
49, ret 1119
- HB 494-FN-A**, relative to keno in New Hampshire. (Camm, Rock 8; et al: Ways and Means)  
49, rules suspended & SO 565, 635, K 665
- HB 495-FN**, relative to criminal record and central registry checks of prospective foster and adoptive parents. (Harvey, Hills 21; et al: Children and Family Law)  
**new title:** relative to criminal record and central registry checks of prospective foster and adoptive parents and relative to the custody of a child placed by the court in a delinquency proceeding or a proceeding for a child in need of services (CHINS).  
49, am 331-335, psd 566, conc S am 864, enr am 1107, enr 1111 (Chapter 325)
- HB 496**, relative to a property tax exemption for portable docks, piers, and wharves. (Schmidt, Straf 4: Municipal and County Government)  
49, K 142
- HB 497-FN**, requiring jail time for certain offenses involving bad checks. (Ingbretson, Graf 5: Criminal Justice and Public Safety)  
49, K 357
- HB 498-FN-A**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department. (Reed, Merr 2; et al: Resources, Recreation and Development)  
**new title:** dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department, and appropriating certain motor vehicle number plates revolving funds for department of safety employee benefits and building projects.  
**2<sup>nd</sup> new title:** dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department, and relative to the land and community heritage investment program administrative fund.  
49, rem 123, SO 176, rules suspended 232, am & Finance 306, am (RC) 744-746, psd 768, nonconc S am, conf 1042, 1051, rep adop 1075, 1091, debate printed 1091-1092, enr am 1110, enr 1111, committee amended 1124 (Chapter 375)
- HB 499**, relative to the innovative research center. (J. Thomas, Belk 5; et al: Commerce)  
**new title:** relative to the innovation research center.  
49, psd 241, 325, conc S am 864, enr am 1048, enr 1056 (Chapter 251)
- HB 500**, not introduced.
- HB 501-FN-A**, relative to keno and using keno revenues for college scholarships. (Hutchinson, Rock 3: Ways and Means)  
49, K 428
- HB 502-FN-A-L**, allowing foster families to receive subsidies for foster children attending postsecondary educational facilities and establishing a scholarship fund for foster children. (Blanchard, Merr 10; et al: Children and Family Law)  
49, ret 1119
- HB 503-FN**, relative to establishing a solid waste management fund and assessing a surcharge for the disposal of solid waste. (Powers, Rock 16; et al: Environment and Agriculture)  
49, ret 1119
- HB 504-FN**, relative to registration requirements for certain criminal offenders under age 21. (Jennifer Brown, Straf 5; et al: Criminal Justice and Public Safety)  
49, am 357, psd 566, S LT 863, 1123

- HB 505-FN-A**, relative to enhanced water quality monitoring for lakes and beaches. (Emerson, Ches 7; et al: Resources, Recreation and Development)  
49, SO 176, am (RC) & Finance 210-213, K 692
- HB 506**, relative to references to “United States citizen” in the New Hampshire statutes. (L. Christiansen, Hills 27: Judiciary)  
49, rem 238, K 319
- HB 507**, relative to the rights of citizens. (L. Christiansen, Hills 27: Judiciary)  
49, rem 238, ruling of chair upheld (RC), protest & K 319-321
- HB 508**, relative to the unlawful adoption of part 2, article 72-a of the New Hampshire constitution. (L. Christiansen, Hills 27: Judiciary)  
49, K 298
- HB 509**, relative to constitutionality of law. (L. Christiansen, Hills 27: Judiciary)  
49, K 257
- HB 510-FN-A-L**, establishing authority for construction and regulation of casinos. (Gionet, Graf 3; et al: Ways and Means)  
49, SO 176, K 218
- HB 511**, increasing the total prize value of a bingo game or series of games and establishing a study committee on increasing the price of lucky 7 tickets. (Crane, Hills 21; et al: Ways and Means)  
**new title:** increasing the total prize value of a bingo game or series of games.  
49, am 428-429, psd 568, conc S am 1041, enr 1056 (Chapter 280)
- HB 512-FN**, relative to commercial advertising on toll booths. (Crane, Hills 21; et al: Public Works and Highways)  
49, K 265
- HB 513**, establishing a housing commission. (DeStefano, Merr 13; et al: Commerce)  
49, psd 338, 566, S LT 861, 1123
- HB 514-FN-L**, relative to the applicable minimum wage for hourly employees. (M. Smith, Straf 7; et al: Labor, Industrial and Rehabilitative Services)  
49, rules suspended 232, SO 565, psd (RC) 623-625, 635, S conc 790, enr 772 (Chapter 24)
- HB 515-FN**, relative to combat veteran stickers on number plates. (Belanger, Rock 4; et al: Transportation)  
50, K 427
- HB 516**, authorizing the Mount Washington Chamber of Commerce to erect a sign on Interstate 95 in Portsmouth. (Bucu, Carr 1: Public Works and Highways)  
50, K 408
- HB 517**, establishing a commission to investigate cost drivers in providing health care. (MacKay, Merr 11; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing a commission to investigate cost drivers in providing health care and establishing the New Hampshire Rx advantage program and continually appropriating a special fund and making an appropriation therefor.  
50, psd 139, 176, conc S am 1037, enr am 1057, enr 1103, appointments 1130 (Chapter 297)
- HB 518-FN**, relative to establishing reciprocity for liability limitations on claims against the state and against foreign jurisdictions. (Campbell, Hills 24: Judiciary)  
50, SO 565, K 596-597
- HB 519**, requiring children 12 years of age or under to wear personal flotation devices. (Campbell, Hills 24; et al: Children and Family Law)  
50, am (RC) 432-435, psd 568, S conc 906, enr 1035 (Chapter 176)

- HB 520-FN-A**, establishing a state-owned casino to provide funds for public education. (DiFruscia, Rock 4; et al: Ways and Means)  
50, ret 1119
- HB 521**, relative to the definition of an adequate education. (DiFruscia, Rock 4; et al: Education)  
50, K 361
- HB 522**, requiring the supreme court to notify the legislature of any pending cases or matters before the court which involve constitutional issues regarding current law or pending legislation. (DiFruscia, Rock 4; et al: Judiciary)  
50, ret 1119
- HB 523**, relative to lobbyist registration and statements. (Hager, Merr 12: Legislative Administration)  
**new title:** relative to lobbyist registration and statements, and regulation of volunteer public service.  
50, am 396-399, psd 567, S LT 862, 1123
- HB 524**, relative to the submission of minutes of the county convention adopting the budget to the department of revenue administration. (Cloutier, Sull 4: Municipal and County Government)  
50, K 264
- HB 525**, not introduced.
- HB 526-FN-A**, requiring district court judges to annually attend an educational program offered by the National Judicial College and establishing a surcharge on fines collected in the district court to pay for the costs of such attendance. (Burrige, Ches 3: Judiciary)  
50, K 140
- HB 527-FN-A**, establishing a recreational saltwater license for fishing of marine species in coastal and estuarine waters. (Abbott, Rock 12: Fish and Game)  
50, ret 1119
- HB 528-FN**, expanding the enhanced 911 system surcharge to providers of devices and services capable of accessing enhanced 911 service in New Hampshire. (Tholl, Coos 2; et al: Science, Technology and Energy)  
50, K 175
- HB 529**, relative to disclaimers of municipal services in real estate contracts. (Casey, Rock 11: Commerce)  
50, K 241
- HB 530**, relative to mortgages held by parties to a divorce. (Converse, Sull 4: Commerce)  
50, K 241-242
- HB 531**, establishing a tourism radio sign program. (Chandler, Carr 1; et al: Resources, Recreation and Development)  
50, K 146
- HB 532**, relative to insurance fraud. (DeStefano, Merr 13; et al: Commerce)  
50, am 242, psd 325, S conc 790, enr 793 (Chapter 37)
- HB 533**, relative to Occupational Safety and Health Administration certification requirements for state contracts. (DeJoie, Merr 11; et al: Labor, Industrial and Rehabilitative Services)  
**new title:** relative to Occupational Safety and Health Administration certification requirements for state contracts and establishing a commission to recommend a comprehensive program for increasing the use of passenger restraints in New Hampshire.  
50, am 391-392, psd 567, nonconc S am, conf 1042, 1051, rep adop 1075, 1092, enr 1111, appointments 1130-1131 (Chapter 326)

- HB 534**, relative to political committees of political parties. (Benn, Graf 9; et al: Election Law) 50, psd 365, 566, S conc 862, enr 977 (Chapter 143)
- HB 535-FN**, establishing a regional license suspension hearing pilot program. (Butynski, Ches 4; et al: Criminal Justice and Public Safety) 50, ret 1119
- HB 536**, relative to the regulation of martial arts schools. (DeStefano, Merr 13; et al: Commerce) 50, psd 338, 566, S conc 906, enr am 1048, enr 1056 (Chapter 281)
- HB 537**, establishing a task force on homeless teenagers. (Blanchard, Merr 10; et al: Children and Family Law) 50, ret 1119
- HB 538-FN-A**, making an appropriation for the renovation of the state park system. (Campbell, Hills 24; et al: Public Works and Highways) 50, K 408
- HB 539-FN**, relative to manslaughter. (W. Knowles, Straf 6; et al: Criminal Justice and Public Safety) 50, am 357-358, psd 566, S Com 1034, 1123
- HB 540-FN-A**, relative to solid waste reduction, establishing a solid waste disposal fee, and re-naming the recycling market development steering committee. (B. Williams, Graf 8; et al: Environment and Agriculture) 51, ret 1119
- HB 541**, relative to polling places for wards. (Hilliard, Straf 2; et al: Election Law) 51, K 365
- HB 542**, establishing a study committee to study the approval process of nursing education programs. (Harding, Graf 11; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing a study committee to study the approval process of nursing education programs and allowing registered nurses to pronounce an anticipated death in an assisted living residence. 51, psd 256, 325, conc S am 795, enr 906, appointments 1131 (Chapter 90)
- HB 543**, establishing a commission to study the licensing process for licensed alcohol and drug counselors. (Harding, Graf 11; et al: Executive Departments and Administration)  
**new title:** establishing a committee to study the licensing process for licensed alcohol and drug counselors. 51, psd 498, 569, conc S am 865, enr 977, appointments 1131 (Chapter 144)
- HB 544**, relative to exemptions from auctioneering for Internet sales. (Hunt, Ches 7: Executive Departments and Administration) 51, ret 1119
- HB 545**, relative to the definition of recreational therapy. (Hawkins, Hills 18: Executive Departments and Administration) 51, K 369
- HB 546**, establishing a commission to study liquor commission procedures and policies. (Holden, Hills 7: Executive Departments and Administration) 51, K 246
- HB 547-FN**, relative to the inspection of trucks. (Bergeron, Hills 27: Transportation) 51, am 427, psd 568, S conc 861, enr 906 (Chapter 91)
- HB 548**, relative to political expenditures and contributions. (C. Chase, Hills 2; et al: Election Law) 51, K 365

- HB 549**, relative to accepting a purchase and sale agreement on developed waterfront property. (DeStefano, Merr 13; et al: Commerce)  
51, am 338-339, psd 566, S conc 906, enr 1035 (Chapter 177)
- HB 550**, not introduced.
- HB 551**, allowing cities to use capital reserve funds for debt replacement. (Lasky, Hills 26: Municipal and County Government)  
**new title:** allowing cities and towns to use capital reserve funds for debt repayment.  
51, am 401, psd 567, conc S am 866, enr 1035 (Chapter 178)
- HB 552**, prohibiting the intensive confinement of caged egg-laying hens. (Hall, Hills 5; et al: Environment and Agriculture)  
51, K 490
- HB 553-FN-A**, requiring the state to pay legal fees for certain supreme court justices. (Davis, Merr 7; et al: Finance)  
**new title:** requiring the state to pay legal fees for certain supreme court justices and making an appropriation therefor.  
51, am (3RCs) 509-517, recon rej 520, psd 569, S nonconc 863
- HB 554**, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office in Concord. (Hager, Merr 12; et al: Judiciary)  
51, SO 565, psd 597, 635, S conc 862, enr 977 (Chapter 145)
- HB 555**, relative to certain disclosures by campaign workers. (DeJoie, Merr 11: Election Law)  
51, ret 1119
- HB 556**, relative to school emergency response plans. (L. Hammond, Graf 11; et al: Education)  
51, psd 458-459, 568, S conc 861, enr 906 (Chapter 92)
- HB 557-L**, relative to free parking in designated handicapped zones. (Vaillancourt, Hills 15: Municipal and County Government)  
51, rem 238, K 322
- HB 558**, requiring any education trust fund surplus to be transferred to the revenue stabilization reserve account. (Weyler, Rock 8; et al: Finance)  
**new title:** repealing the education trust fund.  
51, am 523-525, psd 569, S nonconc 1034
- HB 559**, relative to seat belts on school buses. (Emerson, Ches 7; et al: Transportation)  
51, rem 328, rules suspended & SO 565, 635, K 684
- HB 560-FN**, relative to insurance coverage for prostate cancer testing. (Drisko, Hills 5; et al: Commerce)  
51, ret 1119
- HB 561-FN**, relative to pharmacy benefit managers. (Nowe, Rock 9; et al: Executive Departments and Administration)  
51, ret 1119
- HB 562-FN**, excluding extra or special duty pay from earnable compensation in the retirement system. (Hawkins, Hills 18: Executive Departments and Administration)  
51, rules suspended 232, conflict of interest declaration 328, K 369
- HB 563**, relative to obtaining birth certificates for stillborn children. (Infantine, Hills 13; et al: Health, Human Services and Elderly Affairs)  
51, rcmt 543-544, ret 1119
- HB 564-FN-A**, decreasing the rate of the business enterprise tax. (Renzullo, Hills 27; et al: Ways and Means)  
51, K 268



- HB 565-FN**, prohibiting the use of leghold traps and conibear traps. (Vaillancourt, Hills 15; et al: Fish and Game)  
51, K (RC) 540-542
- HB 566-FN-L**, relative to the housing of inmates in county correctional facilities. (King, Coos 1; et al: Municipal and County Government)  
51, psd 401-402, 567, S LT 861, S conc 860, enr 862 (Chapter 93)
- HB 567-FN**, relative to lowering the legal drinking age. (T. Robertson, Ches 3: Judiciary)  
52, rules suspended 232, rem 327, rules suspended & SO 565, 635, K 679
- HB 568-FN**, repealing the option to purchase nonqualified service credit in the New Hampshire retirement system. (Hawkins, Hills 18; et al: Executive Departments and Administration)  
52, conflict of interest declaration 328, psd 369, 567, S nonconc 863
- HB 569-FN**, relative to the retirement age for retirement system group II members. (Hawkins, Hills 18: Executive Departments and Administration)  
52, K 369
- HB 570-FN-A**, increasing the fee for a wild turkey hunting license. (L'Heureux, Hills 19; et al: Fish and Game)  
52, Ways and Means 138, ret 1119
- HB 571-FN**, relative to full-time seasonal state employees. (Shurtleff, Merr 10: Executive Departments and Administration)  
52, psd 498, 569, S conc 860, enr 862 (Chapter 94)
- HB 572-FN**, prohibiting the use of false documentation for employment, government services, or permits. (Renzullo, Hills 27; et al: Criminal Justice and Public Safety)  
52, K 358
- HB 573-FN**, relative to the collection of judgments. (Ulery, Hills 27; et al: Executive Departments and Administration)  
52, K 246
- HB 574-FN-L**, relative to preservation of electronic voting machine data. (Harvey, Hills 21; et al: Election Law)  
52, ret 1119
- HB 575**, not introduced.
- HB 576-FN-A**, increasing certain fish and game nonresident license or permit fees. (L'Heureux, Hills 19; et al: Fish and Game)  
52, am & Ways and Means 138, ret 1119
- HB 577-FN**, establishing the number of associate justices of the superior court. (D. Cote, Hills 23; et al: Judiciary)  
52, rules suspended 232, SO 565, Finance 597, ret 1119
- HB 578-FN**, providing a definition of an adequate education and establishing an adequacy board. (Hutchinson, Rock 3: Education)  
52, rules suspended 232, ret 1119
- HB 579-FN-A**, establishing a health care fund, continually appropriating a special fund, and requiring certain employers to report certain information to the department of health and human services. (Weed, Ches 3: Commerce)  
52, K 127
- HB 580-FN**, relative to certain accidental disability retirement allowances payable to surviving spouses of retired members. (Knox, Carr 4; et al: Executive Departments and Administration)  
52, K 136

- HB 581-FN**, relative to the penalty for purposely mistreating service dogs. (Parkhurst, Ches 4; et al: Criminal Justice and Public Safety)  
52, ret 1119
- HB 582-FN-A**, relative to the bridge over the Merrimack River. (L. Ober, Hills 27; et al: Public Works and Highways)  
52, ret 1119
- HB 583-FN**, relative to funding for HIV/AIDS services. (Schulze, Hills 26; et al: Finance)  
52, am 525-526, psd 569, S conc 906, enr am 1048, enr 1056 (Chapter 282)
- HB 584-FN**, raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age. (Walz, Merr 13; Criminal Justice and Public Safety)  
52, vac Children and Family Law 81, ret 1120
- HB 585-FN**, assessing a fee on all dogs and cats sold at retail that are not sexually sterilized, to be deposited in the companion animal neutering fund. (Davis, Merr 7; et al: Environment and Agriculture)  
**new title:** requiring all animal shelter facilities, pet shops and commercial kennels to collect a neutering deposit when placing a cat or dog that has not been neutered.  
53, am & Ways and Means 132-133, ret 1120
- HB 586-FN**, imposing an enhanced penalty for sexual assaults by persons in a position of authority. (O'Neil, Hills 19; et al: Criminal Justice and Public Safety)  
53, K 358
- HB 587-FN**, relative to the duties of probation and parole officers. (Pantelakos, Rock 16; et al: Criminal Justice and Public Safety)  
53, psd 358, 566, S nonconc 863
- HB 588-FN-L**, relative to Cates Hill Road and Jericho Lake Road in the city of Berlin. (Mears, Coos 4; et al: Public Works and Highways)  
53, psd 265, 325, S conc 860, enr 862 (Chapter 95)
- HB 589-FN**, relative to the calculation of concurrent and consecutive terms of imprisonment. (L. Hammond, Graf 11; et al: Criminal Justice and Public Safety)  
53, ret 1120
- HB 590-FN**, changing the state migratory waterfowl stamp into a license issued by the fish and game department. (M. Clark, Hills 18; et al: Fish and Game)  
53, am 248-249, psd 325, conc S am 865, enr am 1055, enr 1103 (Chapter 298)
- HB 591-FN**, relative to an affirmative defense to certain felonious sexual assault offenses. (L. Hammond, Graf 11; et al: Criminal Justice and Public Safety)  
53, rem 327, rules suspended & SO 565, 635, K 673
- HB 592-FN**, relative to tolls on the Everett Turnpike. (C. Christensen, Hills 19; et al: Public Works and Highways)  
53, ret 1120
- HB 593-FN**, relative to penalties for violations of licensing requirements for certain regulated professions. (Hunt, Ches 7: Executive Departments and Administration)  
53, K 498
- HB 594-FN**, granting group II retirement system status to certain positions in the department of corrections. (Matthew Quandt, Rock 13; et al: Executive Departments and Administration)  
53, rules suspended 232, ret 1120
- HB 595-FN**, establishing a sentence reduction method for state prisoners. (L. Hammond, Graf 11; et al: Criminal Justice and Public Safety)  
53, ret 1120

- HB 596-FN**, relative to a retirement system calculation exemption for certain retired teachers of the Concord school district. (DeJoie, Merr 11; et al: Executive Departments and Administration) 53, ret 1120
- HB 597-FN**, relative to expenditure caps for institutional health facilities under the certificate of need law. (MacKay, Merr 11: Health, Human Services and Elderly Affairs) 53, rem 123, SO 176, Finance 220, am 692-693, psd 768, S LT 861, nonconc S am 1041
- HB 598-FN-A**, repealing certain foreign dividend deductions under the business profits tax and repealing an exemption to the real estate transfer tax. (Major, Rock 8; et al: Ways and Means) 53, psd 269, 325, S conc 862, enr 977 (Chapter 146)
- HB 599-FN**, requiring restaurant operators to produce a meals and rentals license in order to obtain a liquor license and establishing an annual renewal fee for meals and rentals licenses and a penalty for failure to renew such licenses. (Major, Rock 8; et al: Commerce)  
**new title:** relative to fees for meals and rentals licenses.  
53, am & Ways and Means 153, psd 766, 768, S conc 862, enr 977 (Chapter 147)
- HB 600**, not introduced.
- HB 601-FN-A-L**, transferring the portion of special education costs directly related to health issues to the department of health and human services. (Mulholland, Graf 10: Education) 53, K 361
- HB 602-FN**, relative to child support enforcement. (Wallner, Merr 12: Children and Family Law) 53, rules suspended 232, psd 333, 566, S conc 862, enr 977 (Chapter 148)
- HB 603-FN**, establishing a task force on mental health costs and requiring the commissioner of the department of corrections to enroll any person being released from a correctional facility in any available free or reduced cost drug program. (Wendelboe, Belk 1; et al: Health, Human Services and Elderly Affairs) 53, ret 1120
- HB 604-FN**, prohibiting the taking of deer from baited areas. (Lasky, Hills 26; et al: Fish and Game) 53, am (RC) 293-296, psd 326, S nonconc 861
- HB 605**, relative to employment eligibility verification by employers. (Ulery, Hills 27; et al: Labor, Industrial and Rehabilitative Services) 53, K 392
- HB 606-FN**, relative to the minimum age for purchasing, possessing, or using tobacco products. (T. Robertson, Ches 3: Commerce) 53, rem 327, rules suspended & SO 565, 635, K 667
- HB 607-FN**, relative to the death penalty. (Splaine, Rock 16; et al: Criminal Justice and Public Safety) 53, K (RC) 455-458
- HB 608-FN**, relative to the number of ballots furnished by the secretary of state for a state general election. (Manney, Hills 7: Election Law) 53, psd 365-366, 566, S conc 860, enr 862 (Chapter 96)
- HB 609-FN**, relative to disclosure of campaign contributions in local elections. (Casey, Rock 11: Election Law) 53, am 288-289, psd 326, conc S am 790, enr 793 (Chapter 43)
- HB 610-FN-A**, requiring the criminal justice and public safety committee to review motor vehicle fines and extending the effective date for certain motor vehicle fine reductions. (Almy, Graf 11; et al: Criminal Justice and Public Safety) 53, rem 122, SO 176, Ways and Means 219, ret 1120

- HB 611**, relative to payment of wages by automated pay card. (Wheeler, Merr 6; et al: Labor, Industrial and Rehabilitative Services)  
**new title:** relative to payment of wages by automated pay card or cash voucher.  
**2<sup>nd</sup> new title:** relative to payment of wages by automated pay card.  
54, am 392-395, psd 567, conc S am 981, enr am 1057, enr 1103 (Chapter 299)
- HB 612-FN**, relative to coercion of abortion on a minor. (Dumaine, Rock 3; et al: Judiciary)  
54, SO 565, K (RC) 597-600
- HB 613-FN**, relative to payment for tobacco products purchased by retailers. (Hawkins, Hills 18; et al: Ways and Means)  
54, vac Commerce 102, K 339
- HB 614-FN**, relative to eminent domain. (Villeneuve, Hills 18; et al: Judiciary)  
54, SO 565, K 600
- HB 615-FN**, relative to the locations of the superior courts, district courts, and the judicial branch family division. (Emerson, Ches 7; et al: Judiciary)  
54, SO 565, K 600
- HB 616-FN-L**, exempting certain persons age 65 and older from 25 percent of the state and local education portion of property taxes. (Nowe, Rock 9; et al: Municipal and County Government)  
54, K 402
- HB 617-FN-L**, establishing a property tax relief program and fund and making an appropriation therefor. (Kurk, Hills 7; et al: Municipal and County Government)  
54, ret 1120
- HB 618-FN-A**, establishing a research and development credit against the business profits tax and the business enterprise tax. (Hinkle, Hills 19; et al: Ways and Means)  
54, ret 1120
- HB 619-FN-A**, establishing an additional exemption from the interest and dividends tax for individuals who are 70 years of age or older. (Marshall Quandt, Rock 13; et al: Ways and Means)  
54, rules suspended & SO 565, 635, K (RC) 665-667
- HB 620-FN**, repealing the statutory provisions regarding small loans, title loans, and payday loans and establishing a general statutory usury rate. (Kurk, Hills 7; et al: Commerce)  
54, ret 1120
- HB 621-FN**, relative to speedy trial time frames. (Burridge, Ches 3: Judiciary)  
54, K 389
- HB 622-FN-A-L**, establishing an income tax and repealing all state and local taxes, with the exception of the tobacco tax, beginning in 2012. (Burridge, Ches 3: Ways and Means)  
54, rem 328, rules suspended & SO 565, 635, K 687
- HB 623-FN**, establishing a game management account in the fish and game fund and transferring certain other fish and game accounts into the game management account. (Abbott, Rock 12; et al: Fish and Game)  
54, am & Finance 138-139, psd 693, 768, S conc 862, enr am 1033, enr 1050 (Chapter 220)
- HB 624-FN**, imposing a temporary moratorium on property reassessments and statistical adjustments for all municipalities which have been reassessed at least once since 2003 and establishing a committee to study the rapidly increasing property taxes in New Hampshire. (C. Chase, Hills 2; et al: Municipal and County Government)  
54, K 264
- HB 625**, not introduced.

- HB 626-FN**, relative to the establishment and removal of certain toll booths. (L'Heureux, Hills 19; et al: Public Works and Highways)  
54, K 265
- HB 627-FN**, relative to uniform main line toll rates for the New Hampshire turnpike system. (L'Heureux, Hills 19; et al: Public Works and Highways)  
54, K 265
- HB 628-FN-A**, establishing the New Hampshire Rx advantage program and continually appropriating a special fund. (DeJoie, Merr 11; et al: Health, Human Services and Elderly Affairs)  
54, am & Finance 168-171, ret 1120
- HB 629-FN**, relative to authorizing continued membership in the Manchester employees' contributory retirement system. (Baroody, Hills 13; et al: Executive Departments and Administration)  
**new title:** relative to authorizing continued membership in the Manchester employees' contributory retirement system, and relative to the Nashua public works retirement system.  
54, am 369-370, psd 567, S conc 860, enr 862 (Chapter 97)
- HB 630-FN**, relative to an electronic controlled drug prescription monitoring program. (MacKay, Merr 11; et al: Health, Human Services and Elderly Affairs)  
54, ret 1120
- HB 631-FN-A**, relative to the elimination of certain tolls. (O'Neil, Hills 19; et al: Public Works and Highways)  
54, K 265
- HB 632-FN**, relative to the penalty for death resulting from the trafficking of controlled drugs. (W. Knowles, Straf 6; et al: Criminal Justice and Public Safety)  
54, ret 1120
- HB 633**, not introduced.
- HB 634-FN-A**, establishing a dropout prevention number plate. (Hilliard, Straf 2; et al: Transportation)  
54, K 427
- HB 635-FN-A**, removing exemptions under the interest and dividends tax. (Camm, Rock 8: Ways and Means)  
54, conflict of interest declaration 328, K 429
- HB 636-FN**, relative to physician credentialing under the managed care law. (McLeod, Graf 2; et al: Commerce)  
55, am 339-340, psd 566, conc S am 795, enr 906 (Chapter 98)
- HB 637-FN-A-L**, establishing a gaming oversight authority and video lottery gaming. (King, Coos 1: Ways and Means)  
55, ret 1120
- HB 638-FN**, relative to lease agreements entered into by the department of transportation. (Graham, Hills 18; et al: Public Works and Highways)  
55, psd 265-266, 325, S LT 791, 1123
- HB 639**, relative to limitations on withdrawal from a cooperative school district. (Irwin, Hills 3; et al: Education)  
55, K 361
- HB 640-FN**, relative to requiring reimbursement of search and rescue costs of the fish and game department. (Weyler, Rock 8; et al: Fish and Game)  
57, ret 1120

- HB 641-FN**, relative to automatic credentialing for health care providers. (Splaine, Rock 16; et al: Commerce)  
57, K 340
- HB 642-FN**, relative to educational accountability programs. (Carson, Rock 3; et al: Education)  
57, ret 1120
- HB 643-FN**, relative to the distribution of tobacco settlement funds. (Grassie, Straf 1; et al: Finance)  
57, ret 1120
- HB 644-FN**, relative to differential pay of direct care employees at state institutions. (Wheeler, Merr 6; et al: Health, Human Services and Elderly Affairs)  
57, K 139
- HB 645-FN-L**, requiring notice to the public of a change in land use subject to the assessment of the land use change tax. (Knox, Carr 4: Municipal and County Government)  
57, K 264
- HB 646-FN-L**, establishing a fee for copies of police and fire reports. (Ulery, Hills 27: Municipal and County Government)  
57, K 402
- HB 647**, relative to indicating citizenship on drivers' licenses and nondrivers' identification cards. (Lund, Rock 5; et al: Transportation)  
57, ret 1120
- HB 648**, establishing a commission to develop a comprehensive flood management plan. (Hinkle, Hills 19; et al: Resources, Recreation and Development)  
**new title:** establishing a commission to develop a comprehensive flood management plan and requiring a no wake order on Silver Lake at a certain water level.  
57, am 415-416, psd 568, conc S am 866, enr 1035, appointments 1131 (Chapter 179)
- HB 649**, relative to the disposition of real estate given, devised, or bequeathed to a town for charitable or community purposes. (Lund, Rock 5; et al: Municipal and County Government)  
57, am 402, psd 567, conc S am 981, enr 1054 (Chapter 221)
- HB 650**, not introduced.
- HB 651-L**, extending the school building aid grant program to cover kindergarten construction costs. (Gould, Rock 5; et al: Education)  
57, K 130
- HB 652-FN**, relative to the collection of debts owed to the state. (Hawkins, Hills 18; et al: Executive Departments and Administration)  
57, psd 370-371, 567, S nonconc 863
- HB 653**, relative to the membership of the New Hampshire retirement system board of trustees. (Hawkins, Hills 18; et al: Executive Departments and Administration)  
**new title:** relative to the determination of benefits, funding, and administration of the New Hampshire retirement system.  
57, am 498-502, psd 569, nonconc S am, conf 980, 1051, rep adop 1075, 1092, enr 1105, committee amended 1124 (Chapter 268)
- HB 654-FN**, prohibiting offenders against children from attending certain activities or events. (Crane, Hills 21; et al: Criminal Justice and Public Safety)  
57, K 358
- HB 655-FN**, relative to unborn victims of violence. (Mooney, Hills 19; et al: Criminal Justice and Public Safety)  
57, rem 327, rules suspended & SO 565, 635, K (RC) 673-675

- HB 656-FN**, relative to the issuance of identification cards to individuals who lack the ability to obtain a nondriver's picture identification card. (D. Smith, Hills 22; et al: Transportation) 58, ret 1120
- HB 657**, authorizing the executive director of fish and game to issue moose hunting adventure permits. (L'Heureux, Hills 19; et al: Fish and Game) 58, am 249, psd 325, conc S am 790, enr 793 (Chapter 44)
- HB 658**, prohibiting the taking of game by use of a tranquilizer. (L'Heureux, Hills 19; et al: Fish and Game) 58, psd 249, 325, S conc & enr 772 (Chapter 23)
- HB 659-FN**, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements. (Greco, Merr 7; et al: Transportation)  
**new title**: exempting certain motor vehicles manufactured prior to 1948 from vehicle equipment and inspection requirements.  
**2<sup>nd</sup> new title**: exempting certain motor vehicles manufactured prior to 1949 from vehicle equipment and inspection requirements.  
58, psd 427, 568, nonconc S am, conf 980, 1051, conferee change 1054, rep adop 1075, 1092, enr am 1110, enr 1111 (Chapter 327)
- HB 660-FN**, relative to an assistant state veterinarian. (Wells, Rock 8; et al: Environment and Agriculture) 58, rem 123, SO 176, Finance 219-220, rem 691, K 767
- HB 661-FN-A**, establishing an executive planning commission on special education. (Stiles, Rock 15; et al: Education) 58, Finance 153-154, psd 746-747, 768, conc S am 1036, enr am 1107, enr 1111 (Chapter 328)
- HB 662-FN-A-L**, exempting vehicles adapted for use by persons with disabilities from motor vehicle registration fees. (Martin, Carr 5; et al: Municipal and County Government) 58, SO 565, K 634
- HB 663-FN-A**, making an appropriation to implement the comprehensive shoreland protection act. (Spang, Straf 7; et al: Resources, Recreation and Development)  
**new title**: relative to the comprehensive shoreland protection act and making an appropriation therefor.  
**2<sup>nd</sup> new title**: relative to the protected shoreland permitting process and establishing and funding positions within the department of environmental services.  
58, am & Finance 172-173, am 747-748, psd 768, conc S am 1041, enr 1103 (Chapter 269)
- HB 664-FN**, relative to annual dam registration and permit application fees. (Brueggemann, Merr 12; et al: Resources, Recreation and Development)  
**new title**: relative to annual dam registration and permit application fees and authorizing the city of Manchester to establish a stormwater utility.  
58, rem 123, SO 176, am & Ways and Means 226, psd 767, 768, conc S am 1041, enr am 1108, enr 1111 (Chapter 329)
- HB 665-FN**, relative to the comprehensive shoreland protection act. (Spang, Straf 7; et al: Resources, Recreation and Development) 58, rules suspended 232, am 416-417, psd 568, S nonconc 863
- HB 666-FN**, establishing a license fee for the sale of animal vaccines. (O'Connell, Hills 6; et al: Environment and Agriculture) 58, rules suspended 232, ret 1120
- HB 667-FN-A**, making an appropriation for the purposes of the catastrophic illness program. (Bergin, Hills 6; et al: Finance) 58, K 381

**HB 668**, not introduced.

**HB 669-FN-A-L**, relative to kindergarten aid and kindergarten construction aid. (C. Christensen, Hills 19; et al: Education)  
58, am & Finance 154, K 693

**HB 670**, relative to repealing the incorporation of the New Hampshire Bar Association. (L. Christiansen, Hills 27: Judiciary)  
58, rem 327, rules suspended & SO 565, 635, K 679

**HB 671**, relative to certain data used for workers' compensation rates. (DiFruscia, Rock 4; et al: Labor, Industrial and Rehabilitative Services)  
58, ret 1120

**HB 672**, establishing a commission to study requirements for safe and secure landfills. (Hamm, Merr 4; et al: Environment and Agriculture)  
58, am 367-368, psd 566, conc S am 1037, enr 1056, appointments 1132 (Chapter 252)

**HB 673**, allowing advanced registered nurse practitioners to certify walking disabilities. (Harding, Graf 11; et al: Executive Departments and Administration)  
58, psd 371, 567, S conc 906, enr 1035 (Chapter 180)

**HB 674**, extending the veterans' property tax credit to all honorably discharged veterans. (Lawrence, Hills 27; et al: Municipal and County Government)  
58, rem 328, rules suspended & SO 565, 635, LT (RC) 680-682, 1117

**HB 675**, not introduced.

**HB 676**, relative to interest on deposits required under gasoline franchise agreements. (Greco, Merr 7; et al: Commerce)  
58, K 440

**HB 677-FN**, relative to special education procedural safeguards and the dispute resolution process. (Stiles, Rock 15; et al: Education)  
58, ret 1120

**HB 678-FN**, revising the special education program approval and monitoring process. (Stiles, Rock 15; et al: Education)  
58, ret 1120

**HB 679-FN-L**, relative to delivery of special education services. (Stiles, Rock 15; et al: Education)  
58, ret 1120

**HB 680**, allowing municipalities to determine the hours for the Saturday session for correction of the checklist. (G. Katsakiores, Rock 5; et al: Municipal and County Government)  
58, K 402

**HB 681-FN-A**, relative to full cent gas pricing and road tolls. (Benn, Graf 9; et al: Public Works and Highways)  
59, K 408

**HB 682**, relative to the court's authority to award parental rights and responsibilities to a "psychological parent." (Lawrence, Hills 27: Children and Family Law)  
59, ret 1120

**HB 683**, relative to nominations by party committees. (D. Cote, Hills 23; et al: Election Law)  
59, ret 1120

**HB 684**, establishing a rest area and state liquor store retail opportunities commission. (Crane, Hills 21; et al: Public Works and Highways)  
59, rem 238, K (RC) 322-324



- HB 685**, prohibiting New Hampshire from participating in a national identification card system. (Kurk, Hills 7; et al: Transportation)  
**new title:** prohibiting New Hampshire from participating in a national identification card system, and establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty and establishing a committee to study the eligibility for and award of the benefit.  
59, rules suspended & SO 565, 635, am (RC) & debate printed 657-661, psd 688, conc S am 981, enr 1054, appointments 1132 (Chapter 243)
- HB 686-FN**, relative to the regulation of tracking devices. (Kurk, Hills 7; et al: Commerce)  
59, ret 1120
- HB 687**, requiring the redistricting of the house of representatives for the 2008 elections. (Kurk, Hills 7; et al: Election Law)  
59, K (RC) 477-479
- HB 688**, establishing the council on the relationship between public health and the environment. (French, Merr 5; et al: Health, Human Services and Elderly Affairs)  
59, am 385-386, psd 567, S conc 906, enr 1035, committee amended 1124, appointments 1139-1140 (Chapter 181)
- HB 689**, establishing a commission to study production and distribution of biodiesel fuel in New Hampshire. (Borden, Rock 18; et al: Science, Technology and Energy)  
59, rules suspended & SO 565, 635, am 640-641, psd 688, S conc 906, enr am 1055, enr 1056, appointments 1132 (Chapter 283)
- HB 690**, relative to job skill training in volunteer work by unemployed individuals. (Jane Kelley, Rock 15: Labor, Industrial and Rehabilitative Services)  
59, ret 1120
- HB 691**, excluding the value of a view from property tax assessments on working farms. (Kurk, Hills 7; et al: Municipal and County Government)  
59, K 403
- HB 692**, allowing municipalities to adopt a property tax exemption for industrial construction. (King, Coos 1; et al: Municipal and County Government)  
**new title:** allowing certain municipalities in economically depressed counties to adopt a property tax exemption for industrial construction.  
65, am 403-404, psd 567, S Com 907, 1123
- HB 693-FN-A-L**, establishing a school choice certificate program. (Lund, Rock 5; et al: Education)  
65, K (RC) 154-157
- HB 694**, establishing a commission to study the feasibility of tidal power generation under the Little Bay and General Sullivan Bridges, in Dover. (Fargo, Straf 4; et al: Science, Technology and Energy)  
65, am 422-423, psd 568, conc S am 981, enr 1054, appointments 1132-1133 (Chapter 222)
- HB 695**, relative to regulation of wireless telephone service providers for consumer protection. (McLeod, Graf 2; et al: Commerce)  
65, K 441
- HB 696**, reclassifying certain positions in the insurance department. (Reardon, Merr 11; et al: Commerce)  
65, am & Executive Departments and Administration 340, ret 1120
- HB 697**, relative to responsible drug advertising. (DeJoie, Merr 11; et al: Commerce)  
65, rem 327, SO 430, K 441

- HB 698**, relative to the policy and purpose of an adequate education. (King, Coos 1: Education)  
65, K 361
- HB 699**, establishing a commission to study methods and costs of sewage, sludge, and septage disposal. (Beaulieu, Hills 17; et al: Environment and Agriculture)  
65, am 490-491, psd 568, conc S am 1037, enr 1056, appointments 1133 (Chapter 253)
- HB 700**, not introduced.
- HB 701**, relative to the definition of a school district in the case of unincorporated towns or unorganized places. (King, Coos 1; et al: Education)  
65, psd 362, 566, S conc 860, enr 862 (Chapter 99)
- HB 702**, relative to the court's jurisdiction over persons between the ages of 18 and 21 in abuse and neglect cases. (Gargas, Hills 5: Children and Family Law)  
66, ret 1120
- HB 703**, relative to day reporting programs in the county department of corrections. (Gionet, Graf 3; et al: Criminal Justice and Public Safety)  
66, psd 358, 566, S conc 863, enr 977 (Chapter 149)
- HB 704-FN-A**, relative to the commission on the status of men and making an appropriation therefor. (Boyce, Belk 5; et al: Executive Departments and Administration)  
**new title:** relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls.  
66, rem 123, SO 176, Finance 220, rules suspended, am, psd & debate printed 480-483, 568, S conc 768, enr 770 (Chapter 4)
- HB 705**, relative to the disposal of highway or turnpike funded real estate. (Cloutier, Sull 4; et al: Public Works and Highways)  
66, psd 266, 325, S conc 861, enr 906 (Chapter 100)
- HB 706**, relative to requirements for highway agents. (Skinder, Sull 1; et al: Municipal and County Government)  
66, K 404
- HB 707**, relative to the time frames for hearings in domestic violence cases. (W. Knowles, Straf 6; et al: Criminal Justice and Public Safety)  
66, psd 358, 566, conc S am 1036, enr 1056 (Chapter 284)
- HB 708**, establishing a committee to study the cost effectiveness of the county jail system. (Lovett, Graf 8; et al: Criminal Justice and Public Safety)  
66, K 359
- HB 709**, making various changes to department of revenue administration authority concerning property tax administration. (Patten, Carr 4: Municipal and County Government)  
66, am 405, psd 567, S conc 907, enr 1035 (Chapter 182)
- HB 710**, establishing a commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters. (Millham, Belk 5; et al: Resources, Recreation and Development)  
66, rem 328, rules suspended & SO 565, 635, am 683-684, psd 688, conc S am 1041, enr 1056, appointments 1133-1134 (Chapter 254)
- HB 711-FN**, requiring insurance coverage for the cost of hormone treatment drugs for transsexuals. (Ginsburg, Hills 20; et al: Commerce)  
66, ret 1120
- HB 712**, not introduced.
- HB 713-L**, relative to displaying gasoline and diesel fuel prices. (Essex, Hills 1: Commerce)  
66, K 441

- HB 714-FN**, relative to motorized watercraft rental agencies. (C. Christensen, Hills 19; et al: Transportation)  
66, Ways and Means 150, am 698-699, psd 768, S conc 860, enr 862 (Chapter 101)
- HB 715**, combining the state heritage collections committee and the joint legislative historical committee. (Foster, Hills 4; et al: Legislative Administration)  
**new title:** establishing a committee to study the state heritage collections committee and the joint legislative historical committee.  
66, am 399, psd 567, S Com 861, 1123
- HB 716**, relative to subdivision and septic system application waivers. (Camm, Rock 8: Resources, Recreation and Development)  
66, K 417
- HB 717**, allowing municipalities to establish local community services and care planning boards. (French, Merr 5; et al: Municipal and County Government)  
66, ret 1120
- HB 718-FN**, regulating privatization contracts for public service. (DeChane, Straf 3; et al: Executive Departments and Administration)  
**new title:** establishing a committee to study the cost, quality, accountability and oversight standards used by the state when contacting with private entities for delivery of public services.  
**2<sup>nd</sup> new title:** establishing a committee to study the cost, quality, accountability and oversight standards used by the state when contracting with private entities for delivery of public services.  
66, am 371-372, psd 567, conc S am 980, enr 1054, appointments 1134 (Chapter 223)
- HB 719**, relative to the statute of limitations for fire code violations. (W. Knowles, Straf 6; et al: Criminal Justice and Public Safety)  
**new title:** relative to the statute of limitations for fire code violations and placing restrictions on an exception for the storage of black gunpowder by historical reenactors and certain non-profit entities.  
66, psd 359, 566, conc S am 865, enr 1035 (Chapter 183)
- HB 720**, establishing a council on families and employment. (Gile, Merr 10; et al: Labor, Industrial and Rehabilitative Services)  
66, K 395
- HB 721**, relative to the appropriation to the department of health and human services for rates paid for nursing services. (King, Coos 1; et al: Health, Human Services and Elderly Affairs)  
**new title:** relative to the appropriation to the department of health and human services for rates paid for nursing services, and relative to reimbursement for home and community-based care providers.  
66, Finance 171, am 748, psd 768, S LT 863, conc S am 1028, enr 1035 (Chapter 129)
- HB 722**, relative to the rivers management protection program. (O'Connell, Hills 6; et al: Resources, Recreation and Development)  
66, am 417-418, psd 568, conc S am 981, enr am 1055, enr 1056 (Chapter 285)
- HB 723**, extending the moratoriums on nursing home beds and rehabilitation. (King, Coos 1; et al: Health, Human Services and Elderly Affairs)  
**new title:** extending the moratoriums on nursing home beds and rehabilitation and relative to long-term care.  
66, psd 139, 176, nonconc S am, conf 1043, 1051, rep adop 1075, 1092, enr 1111 (Chapter 330)
- HB 724**, allowing municipalities to require the provision of income and expense information of business property to assessing officials. (Lasky, Hills 26: Municipal and County Government)  
66, K 405

**HB 725**, not introduced.

**HB 726-FN-A**, establishing land and community heritage investment program number plates. (Peterson, Hills 3; et al: Transportation)  
66, K 427

**HB 727-FN**, relative to certain disclosures during the certificate of need process. (DeJoie, Merr 11; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing a commission to study health insurance coverage in the construction industry.  
66, am 386-387, psd 567, conc S am 795, enr am 1033, enr 1050, appointments 1134 (Chapter 224)

**HB 728**, relative to access to wireless telephone records. (Walz, Merr 13: Commerce)  
67, K 441

**HB 729**, relative to prohibitions on reproducing drivers' licenses and identification cards and copying information in motor vehicle records. (Kurk, Hills 7: Transportation)  
67, ret 1120

**HB 730**, increasing the maximum fine for speeding in a highway construction or maintenance zone. (Foosse, Merr 1: Criminal Justice and Public Safety)  
67, ret 1120

**HB 731**, relative to the use of vehicle information or location tracked by an electronic toll collection system. (Kurk, Hills 7: Public Works and Highways)  
67, am 408, psd 567, conc S am 1040, enr 1056 (Chapter 286)

**HB 732-FN**, changing the interest rate on late and delinquent property tax payments and subsequent tax payments. (Kaelin, Hills 4; et al: Municipal and County Government)  
67, K 405

**HB 733-FN**, relative to certain authority and procedures of the department of revenue administration. (Major, Rock 8; et al: Executive Departments and Administration)  
67, am 372-373, psd 567, S conc 863, enr 977 (Chapter 150)

**HB 734**, establishing a committee to study requiring certain nonresidential property owners to submit income and expense information for determining property value for tax purposes. (Almy, Graf 11; et al: Municipal and County Government)  
67, ret 1120

**HB 735**, relative to the form of the presidential primary election ballot. (Harvey, Hills 21: Election Law)  
**new title:** relative to the form of the presidential primary election ballot, relative to administration of official oaths, and relative to assistant election officials.  
67, psd 366, 566, nonconc S am, conf 980, 1051, rep adop 1075, 1092, enr 1111 (Chapter 331)

**HB 736**, relative to administrative enforcement of certain violations of municipal ordinances. (Kurk, Hills 7; et al: Municipal and County Government)  
67, K 405

**HB 737**, relative to the enforcement of domestic violence orders. (Hatch, Coos 3: Criminal Justice and Public Safety)  
67, K 359

**HB 738**, requiring insurance coverage for infertility treatments. (Crane, Hills 21; et al: Commerce)  
67, K (RC) 441-444

**HB 739**, relative to contractor accountability and disclosure in the public works construction procurement process. (Benn, Graf 9; et al: Public Works and Highways)  
67, SO 565, K 634-635

- HB 740-FN**, relative to mental health services. (MacKay, Merr 11: Health, Human Services and Elderly Affairs)  
67, ret 1120
- HB 741**, relative to the zoning requirement for child day care providers. (Grassie, Straf 1; et al: Municipal and County Government)  
67, K 405-406
- HB 742**, relative to the issuance of building permits on class VI roads. (Converse, Sull 4: Municipal and County Government)  
67, K 406
- HB 743**, relative to the rights of crime victims while making a victim impact statement. (W. Knowles, Straf 6; et al: Criminal Justice and Public Safety)  
67, am 359, psd 566, S conc 863, enr am 1033, enr 1050 (Chapter 225)
- HB 744-FN**, relative to informed consent before abortion. (Dumaine, Rock 3; et al: Judiciary)  
67, SO 565, K (RC) 600-603
- HB 745**, relative to the use of secret databases. (Kurk, Hills 7; et al: Commerce)  
67, rem 327, rules suspended & SO 565, 635, LT 667-668, 1117
- HB 746**, relative to listing candidates on election ballots. (Forsing, Rock 2: Election Law)  
67, K 479
- HB 747**, relative to the special meeting requirements for municipalities. (Hopfgarten, Rock 5; et al: Municipal and County Government)  
67, K 406
- HB 748**, requiring disclosure of gifts and campaign contributions by lobbyists and political committees, and requiring lobbyist statements to include certain information. (Splaine, Rock 16: Election Law)  
67, K 479
- HB 749**, changing the position of forensic toxicologist within the department of safety from an unclassified to a classified position. (J. Flanders, Rock 8: Executive Departments and Administration)  
67, psd 373, 567, S LT 863, 1123
- HB 750**, not introduced.
- HB 751-FN-A**, relative to biodiesel road toll revenue. (Essex, Hills 1; et al: Science, Technology and Energy)  
67, K 148
- HB 752-FN**, relative to per pupil funding for charter school pupils. (Hunt, Ches 7; et al: Education)  
67, rem 123, SO 176, am & Finance 219, ret 1120
- HB 753-FN-A**, relative to the electronic toll collection transponder inventory fund. (Graham, Hills 18; et al: Public Works and Highways)  
67, rules suspended 232, rules suspended & SO 565, 635, psd 637, 688, S conc 860, enr 862 (Chapter 102)
- HB 754-FN**, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority. (Chandler, Carr 1: Public Works and Highways)  
68, rules suspended & SO 565, 635, am 637-638, psd 688, S Com 863, 1123
- HB 755-FN**, relative to transfers of motor vehicle registration. (Bergeron, Hills 27; et al: Transportation)  
**new title:** relative to transfers of motor vehicle permits.  
68, rules suspended & SO 565, 635, am 661, psd 688, S nonconc 861

- HB 756-FN**, relative to centralized voter registration database information. (Kurk, Hills 7: Election Law)  
68, K 289
- HB 757-FN-A**, relative to the beer tax. (Mulholland, Graf 10: Ways and Means)  
68, rem 328, rules suspended & SO 565, 635, K 687
- HB 758-FN**, establishing a new state defined contribution retirement plan for new state employees and establishing a committee to study the transition of current employees into the new plan and administration of the new plan. (Wendelboe, Belk 1; et al: Executive Departments and Administration)  
68, conflict of interest declaration 328, K 373
- HB 759-FN**, relative to administration and enforcement of banking laws. (Reardon, Merr 11: Commerce)  
68, ret 1120
- HB 760-FN**, relative to temporary relief in a domestic violence proceeding. (Dumaine, Rock 3: Criminal Justice and Public Safety)  
68, K 359
- HB 761-FN**, establishing the licensure and regulation of municipal real estate appraisers. (Ingbretson, Graf 5: Executive Departments and Administration)  
68, K 373
- HB 762-FN**, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed places. (Vaillancourt, Hills 15; et al: Commerce)  
68, rules suspended 232, rem 327, rules suspended & SO 565, 635, K (RC) 668-670
- HB 763-FN**, establishing the licensure and regulation of residential and building inspectors. (Baroody, Hills 13; et al: Executive Departments and Administration)  
68, ret 1121
- HB 764**, relative to access to toilet facilities in public places. (Wells, Rock 8; et al: Commerce)  
68, K 340
- HB 765-FN**, relative to procedures for determination of special education costs, payment liability, and rate setting. (Stiles, Rock 15; et al: Education)  
68, ret 1121
- HB 766-FN**, making changes to the laws relating to special education. (Stiles, Rock 15; et al: Education)  
68, ret 1121
- HB 767**, relative to insurance for volunteer drivers. (Rodeschin, Sull 2; et al: Commerce)  
**new title:** relative to insurance for volunteer drivers and establishing a state coordinating council for community transportation.  
68, psd 444, 568, nonconc S am, conf 1043, 1051, conferee change 1054, rep adop 1075, 1092, enr 1111 (Chapter 351)
- HB 768**, relative to voluntary registration with the Eastern Climate Registry. (Schmidt, Straf 4; et al: Science, Technology and Energy)  
68, rules suspended & SO 565, 635, am 641-642, psd 688, conc S am 981, enr 1054 (Chapter 226)
- HB 769-FN**, relative to determination of town's share of county taxes. (Gottling, Sull 3; et al: Municipal and County Government)  
68, K 406
- HB 770**, requiring certain information in the financial reports of counties. (Gottling, Sull 3; et al: Municipal and County Government)  
68, K 406

- HB 771-FN**, extending medical and surgical benefits to domestic partners. (Butler, Carr 1; et al: Executive Departments and Administration)  
68, ret 1121
- HB 772**, relative to suspension or revocation of original drivers' licenses. (Butynski, Ches 4; et al: Transportation)  
68, K 427
- HB 773**, excluding noise violations from the crime of disorderly conduct. (R. Day, Hills 7; et al: Criminal Justice and Public Safety)  
68, ret 1121
- HB 774-FN**, relative to the use of marijuana for medicinal purposes. (T. Robertson, Ches 3; et al: Health, Human Services and Elderly Affairs)  
68, K (RC) 544-547, recon rej 555
- HB 775**, not introduced.
- HB 776-FN**, establishing the licensure and regulation of private investigators. (Ulery, Hills 27; et al: Executive Departments and Administration)  
68, ret 1121
- HB 777-FN-A**, imposing a fee and a fine for certain changes to terrain alteration permits. (Phinizy, Sull 5: Resources, Recreation and Development)  
**new title:** relative to agricultural exemptions from alteration of terrain permitting requirements and penalties for site development.  
68, rem 328, SO 565, 635, am & Ways and Means 636-637, ret 1121
- HB 778-FN-A-L**, relative to a preeminent scholastic educational foundation. (Rowe, Hills 6: Education)  
68, ret 1121
- HB 779-FN**, relative to funding of retirement system benefits and supplemental allowances. (Baroody, Hills 13: Executive Departments and Administration)  
68, ret 1121
- HB 780-FN-L**, requiring police departments to be certified by the Commission on Accreditation for Law Enforcement Agencies (CALEA). (Burrige, Ches 3: Criminal Justice and Public Safety)  
68, K 359
- HB 781-FN**, relative to the duties of the department of safety. (J. Flanders, Rock 8: Transportation)  
68, ret 1121
- HB 782-FN**, relative to reinsurance intermediaries and conduct of examinations. (DeStefano, Merr 13; et al: Commerce)  
**new title:** relative to reinsurance intermediaries, conduct of examinations, and certain business transfer tax credits.  
69, am 341, psd 566, conc S am 864, enr am 1048, enr 1056 (Chapter 255)
- HB 783-FN**, requiring DNA testing of persons convicted of certain felony offenses. (J. Tilton, Merr 6; et al: Criminal Justice and Public Safety)  
69, K 360
- HB 784-FN-A**, requiring excess revenue stabilization reserve account funds to be used for a credit against business enterprise and business profits taxes. (Lund, Rock 5; et al: Ways and Means)  
69, K 429
- HB 785-FN**, relative to user charges for excessive consumption of police and nuisance enforcement services. (Reuschel, Hills 14: Municipal and County Government)  
69, K 406

- HB 786-FN**, relative to compensation for retired full-time justices for service after retirement. (D. Cote, Hills 23; et al: Judiciary)  
69, ret 1121
- HB 787-FN**, relative to procedures for and requirements applicable to municipal appraisers for property tax purposes. (L. Ober, Hills 27; et al: Executive Departments and Administration)  
69, K 373-374
- HB 788-FN**, relative to games of chance. (Hawkins, Hills 18; et al: Executive Departments and Administration)  
69, K 374
- HB 789-FN-A-L**, providing supplemental education grants for certain school districts. (Dunn, Ches 3; Wells, Rock 8: Education)  
69, ret 1121
- HB 790-FN**, relative to dependent coverage under the healthy kids program and establishing the joint legislative oversight committee on insurance expansion initiatives. (McLeod, Graf 2; et al: Commerce)  
**new title:** relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives.  
**2<sup>nd</sup> new title:** relative to dependent coverage for health insurance.  
69, am (RC) & Finance 444-455, psd (RC) 748-751, 768, conc S am 865, enr am 1055, enr 1056 (Chapter 352)
- HB 791-FN**, relative to religious freedom and civil marriage. (Baxley, Merr 6; et al: Judiciary)  
**new title:** establishing a commission to study the legal and social effects of permitting same gender marriage.  
69, SO 565, am (2RCs) 603-609, psd 635, S nonconc 907
- HB 792-FN**, prohibiting convicted felons from profiting from their crimes. (DeJoie, Merr 11: Criminal Justice and Public Safety)  
69, ret 1121
- HB 793-FN-A**, establishing an exemption from the interest and dividends tax for individuals who are 62 years of age or older. (Renzullo, Hills 27; et al: Ways and Means)  
69, rem 328, rules suspended & SO 565, 635, K 687
- HB 794-FN**, relative to campaign contributions and expenditures. (Splaine, Rock 16; et al: Election Law)  
69, ret 1121
- HB 795**, relative to restricting usage of cellular phones while driving. (Pantelakos, Rock 16; et al: Transportation)  
69, rem 328, rules suspended & SO 565, 635, K 684
- HB 796**, relative to civil liability for damaging highway protective barriers. (Ulery, Hills 27; et al: Public Works and Highways)  
69, am & Judiciary 143-144, am 751, psd 768, nonconc S am, conf 1043, 1051, rep adop 1075, 1092, enr 1111 (Chapter 332)
- HB 797**, regulating mandatory overtime for nurses and assistants. (Holden, Hills 7; et al: Labor, Industrial and Rehabilitative Services)  
69, SO 565, psd 625-626, 635, conc S am 1040, enr 1056 (Chapter 353)
- HB 798**, allowing municipalities to adopt a property tax freeze for persons aged 65 and older. (Nowe, Rock 9; et al: Municipal and County Government)  
69, K 406-407
- HB 799-FN**, establishing a criminal usury rate for interest rates. (Kaelin, Hills 4; et al: Commerce)  
69, ret 1121



**HB 800**, not introduced.

**HB 801**, establishing a committee to study the feasibility of the state assuming responsibility for fully funding special education costs for children receiving special education services in the state. (Ingbreton, Graf 5: Finance)  
69, K 381

**HB 802**, relative to passenger restraints. (Jennifer Brown, Straf 5; et al: Transportation)  
69, rules suspended & SO 565, 635, psd (RC) 661-664, 688, S nonconc 907

**HB 803**, relative to the sale of tax-deeded property. (Stohl, Coos 1; et al: Municipal and County Government)  
69, am 407, psd 567, S conc 907, enr 1035 (Chapter 184)

**HB 804**, excluding the value of a view from property tax assessments. (Parkhurst, Ches 4; et al: Municipal and County Government)  
69, K 407

**HB 805-FN-L**, relative to a crosswalk in the town of Seabrook. (Weare, Rock 14; et al: Public Works and Highways)  
69, K 266

**HB 806-FN-L**, relative to a traffic light in the town of Seabrook. (Weare, Rock 14; et al: Public Works and Highways)  
69, K 266

**HB 807**, requiring headlight use when windshield wipers are in use. (P. McMahon, Merr 3: Transportation)  
69, K 428

**HB 808**, relative to employees' rights to bring court action against employers. (P. McMahon, Merr 3; et al: Labor, Industrial and Rehabilitative Services)  
70, K 395

**HB 809**, relative to restrictions on political advertising. (P. McMahon, Merr 3: Election Law)  
70, ret 1121

**HB 810**, establishing a commission to prepare a master plan for Mount Sunapee state park, Sunapee state beach, Pillsbury state park, Wadleigh state park, Rollins state park, and Winslow state park. (P. McMahon, Merr 3; et al: Resources, Recreation and Development)  
70, ret 1121

**HB 811**, establishing a committee to study alternatives to incarceration and funding for rehabilitation programs for non-violent offenders. (J. Tilton, Merr 6; et al: Criminal Justice and Public Safety)  
70, K 360

**HB 812**, relative to making permanent certain exceptions to limits on land application of septage and sludge. (O'Connell, Hills 6: Environment and Agriculture)  
**new title:** relative to certain exceptions to limits on land application of septage and sludge.  
70, SO 491, am 522, psd 569, conc S am 1037, enr 1056 (Chapter 287)

**HB 813-FN**, expanding the definition of income of the land conservation investment program monitoring endowment. (Spang, Straf 7; et al: Resources, Recreation and Development)  
70, psd 418, 568, S conc 863, enr 977 (Chapter 151)

**HB 814-FN**, relative to the judicial retirement plan. (Dokmo, Hills 6; Gatsas, Dist 16: Judiciary)  
70, ret 1121

**HB 815-FN-A**, requiring the display of boater education decals. (C. Christensen, Hills 19; et al: Resources, Recreation and Development)  
**new title:** requiring the display of boater education decals on vessels registered in other states.  
70, SO 176, am (RC) & Ways and Means 213-217, psd 767, 768, S nonconc 1034

**HB 816**, not introduced.

**HB 817**, relative to the workers' compensation compliance statement. (Goley, Hills 8; et al: Labor, Industrial and Rehabilitative Services)  
70, K 395

**HB 818**, establishing a committee to study reestablishing the port authority as an independent agency. (Pantelakos, Rock 16; et al: Executive Departments and Administration)  
70, ret 1121

**HB 819**, establishing a right to work act which provides for freedom of choice on whether to join a labor union. (Baldasaro, Rock 3; et al: Labor, Industrial and Rehabilitative Services)  
70, SO 565, K (RC) 626-628

**HB 820-FN-A**, establishing a tax on candy. (Mulholland, Graf 10: Ways and Means)  
70, rem 328, rules suspended & SO 565, 635, K 687

**HB 821**, establishing a committee to study establishing a permanent Latino affairs commission. (Velez, Hills 12; et al: Executive Departments and Administration)  
70, K 374

**HB 822**, relative to enrollment of students in regional vocational schools. (Hutchinson, Rock 3; et al: Education)  
70, am 362, psd 566, conc S am 1037, enr am 1110, enr 1111 (Chapter 333)

**HB 823-FN**, relative to state and municipal contracting practices for public works. (Long, Hills 10: Public Works and Highways)  
70, ret 1121

**HB 824-FN**, establishing a death benefit to be paid to the family of a police officer, firefighter, or highway worker killed in the line of duty. (P. McMahon, Merr 3; et al: Finance)  
70, K 381-382

**HB 825**, not introduced.

**HB 826-FN**, relative to coverage of medically necessary services and items under the medical assistance program. (Donovan, Sull 4; et al: Health, Human Services and Elderly Affairs)  
**new title:** relative to coverage of services and items under the medical assistance program.  
70, am 547-548, psd 569, S conc 1034, enr am & enr 1056 (Chapter 288)

**HB 827-FN**, relative to the reasonable cost of medical support for dependent children. (Moran, Hills 18; et al: Children and Family Law)  
70, am 333-334, psd 566, S conc 1034, enr 1054 (Chapter 227)

**HB 828-FN**, relative to a state ethics officer. (Splaine, Rock 16: Executive Departments and Administration)  
**new title:** relative to corrupt practices as defined in RSA 640 and state reporting requirements for gifts, honorariums, and expenses.  
70, rules suspended 232, am 502, psd 569, S LT 863, nonconc S am, conf 1043, 1051, rep adop 1075, 1092, enr am 1110, enr 1111 (Chapter 354)

**HB 829**, establishing authority for a state property tax bank administered by the housing finance authority and requiring the housing finance authority board to develop a proposal and report to the general court. (Ingbretson, Graf 5; et al: Ways and Means)  
70, vac Municipal and County Government 122, K 407

**HB 830-FN-A**, relative to milk support prices in New Hampshire. (M. Rollo, Straf 2; et al: Environment and Agriculture)  
70, ret 1121

**HB 831**, relative to notification by pharmacies to consumers when prescriptions need to be renewed. (Wells, Rock 8; et al: Commerce)  
70, K 341

- HB 832-FN**, relative to financial relief for members of the military reserve or national guard called to active duty. (Buco, Carr 1; et al: State-Federal Relations and Veterans Affairs)  
70, K 148
- HB 833**, relative to workers employed within the United States in connection with state contracts. (Hinkle, Hills 19; et al: Labor, Industrial and Rehabilitative Services)  
**new title:** establishing a committee to study the outsourcing of jobs involving state contracts.  
70, am 395-396, psd 567, nonconc S am 1041
- HB 834-FN-A**, relative to sales of tobacco products in state liquor stores. (Burridge, Ches 3: Executive Departments and Administration)  
71, K 136
- HB 835-FN**, relative to funding the modular building program. (Pilotte, Hills 16; et al: Finance)  
71, K 382
- HB 836**, prohibiting wastewater treatment plants from excluding towns for septage treatment and disposal services. (Beaulieu, Hills 17; et al: Environment and Agriculture)  
71, SO 491, K 522
- HB 837**, relative to easements and the land and community heritage investment program. (O'Connell, Hills 6; et al: Resources, Recreation and Development)  
**new title:** relative to easements and the land and community heritage investment program and creating a farm viability program.  
71, am & Environment and Agriculture 147, ret 1121
- HB 838-FN-L**, allowing municipalities to recover certain costs related to right-to-know requests. (Lasky, Hills 26; et al: Municipal and County Government)  
71, SO 565, K 634
- HB 839**, establishment of maximum retail fluid milk prices. (King, Coos 1; et al: Environment and Agriculture)  
71, ret 1121
- HB 840**, relative to home improvement contracts. (Infantine, Hills 13: Commerce)  
71, K 341
- HB 841**, relative to the appointment of parenting coordinators. (Gargas, Hills 5; et al: Children and Family Law)  
71, ret 1121
- HB 842**, establishing safety requirements and procedures for firefighters. (DeJoie, Merr 11; et al: Criminal Justice and Public Safety)  
71, ret 1121
- HB 843-FN**, requiring excess revenue stabilization reserve account funds to be used to make payments to all homeowners of primary residences in this state. (Renzullo, Hills 27; et al: Ways and Means)  
71, K 152
- HB 844-FN**, authorizing the commissioner of revenue administration to issue demands for records for purposes of interest and dividends tax audits and to seize and destroy unstamped and invalidly stamped tobacco products. (Major, Rock 8; et al: Ways and Means)  
71, am 429, psd 568, S conc 863, enr 977 (Chapter 152)
- HB 845-FN-A**, making an appropriation to the town of Dorchester to rebuild the Province road bridge. (Mulholland, Graf 10; et al: Public Works and Highways)  
71, K 144

- HB 846**, transferring certain land in the town of Stoddard from the Trust for Public Land to the fish and game department. (D. Eaton, Ches 2: Fish and Game)  
71, rem 123, SO 176, am 296-297, psd 326, S conc 772, enr am 792, enr 793 (Chapter 38)
- HB 847**, relative to general rules for vessels operating on water. (Pilliod, Belk 5; et al: Transportation)  
71, ret 1121
- HB 848**, relative to a private right of action to recover workers' compensation coverage payments. (Long, Hills 10: Labor, Industrial and Rehabilitative Services)  
71, SO 565, psd 628-629, 635, S nonconc 1034
- HB 849**, relative to rent payments by voucher issued by a state or municipal agency. (Donovan, Sull 4; et al: Judiciary)  
71, SO 565, psd 610, 635, S conc 863, enr 977 (Chapter 153)
- HB 850**, not introduced.
- HB 851-FN-A-L**, relative to the determination of county payments for nursing home services. (Schmidt, Straf 4: Municipal and County Government)  
71, rem 123, SO 176, K 301
- HB 852-FN-A-L**, changing the rate and distribution of the excavation tax. (Martin, Carr 5: Municipal and County Government)  
71, K 142
- HB 853**, establishing a commission to study the effect of fiat currency on the wealth of New Hampshire citizens. (Itse, Rock 9; et al: Commerce)  
71, K 455
- HB 854-L**, relative to remedies under the right-to-know law. (J. Thomas, Belk 5; et al: Judiciary)  
71, K 389
- HB 855**, relative to renewable energy generation incentive payments. (Kaelin, Hills 4; et al: Science, Technology and Energy)  
71, ret 1121
- HB 856**, relative to the definition of veteran. (Emiro, Rock 3: State-Federal Relations and Veterans Affairs)  
71, ret 1121
- HB 857-FN-L**, relative to permitting responsibilities under the comprehensive shoreland protection act. (Spang, Straf 7; et al: Resources, Recreation and Development)  
71, rules suspended 232, am 418-420, psd 568, S nonconc 863
- HB 858-FN**, relative to discount medical plan organization. (McLeod, Graf 2; et al: Health, Human Services and Elderly Affairs)  
71, rem 123, SO 176, Commerce 220, ret 1121
- HB 859**, relative to the definitions of agriculture and farming in the motor vehicle laws. (O'Connell, Hills 6; et al: Environment and Agriculture)  
71, am 368, psd 567, S conc 861, enr 906 (Chapter 103)
- HB 860**, relative to maintenance of draft beer equipment. (Baroody, Hills 13; et al: Commerce)  
72, K 455
- HB 861-FN**, allowing certain members of the United States armed forces and their dependents to attend public postsecondary institutions at the in-state resident tuition rate. (Kjellman, Merr 5; et al: Education)  
**new title:** allowing certain active duty members of the United States armed forces and their dependents to attend public postsecondary institutions at the in-state resident tuition rate.  
72, am & Finance 157-158, ret 1121

- HB 862-FN**, establishing an incapacitated adult fatality review committee. (Schulze, Hills 26; et al: Health, Human Services and Elderly Affairs)  
72, rem 123, SO 176, Judiciary (2RCs) 221-226, am 695-696, psd 768, S conc 907, enr am 1048, enr 1056 (Chapter 256)
- HB 863**, relative to the assessment of property subject to a housing subsidy restriction. (Infantine, Hills 13: Municipal and County Government)  
72, SO 565, K 634
- HB 864-FN**, requiring licensing of outpatient abortion facilities. (N. Elliott, Hills 19; et al: Health, Human Services and Elderly Affairs)  
72, K 548
- HB 865-FN**, relative to an adequate education and state education grants. (Carson, Rock 3: Education)  
72, rules suspended 232, ret 1121
- HB 866**, relative to the right-to-know law application to board of tax and land appeals and public utilities commission matters. (Wall, Straf 7; et al: Judiciary)  
**new title:** relative to the right-to-know law application to public utilities commission matters.  
72, SO 565, am 610-611, psd 635, S conc 863, enr 977 (Chapter 154)
- HB 867-FN-L**, relative to parent liability for court-ordered services in juvenile proceedings. (Moran, Hills 18; et al: Children and Family Law)  
72, am 334-336, psd 566, S Com 907, 1123
- HB 868-FN**, relative to a surcharge on recording documents with the register of deeds to fund the land and community heritage investment program. (Spang, Straf 7; et al: Municipal and County Government)  
72, SO 176, Ways and Means (2RCs) 194-200, ret 1121
- HB 869-FN**, relative to unauthorized video surveillance. (L'Heureux, Hills 19; et al: Criminal Justice and Public Safety)  
72, K 360
- HB 870-FN-A-L**, relative to the calculation and disbursement of adequate education grants. (Hess, Merr 9; et al: Education)  
72, K 158
- HB 871-FN-A**, allowing the fish and game department to conduct an annual auction of moose hunting permits. (L'Heureux, Hills 19; et al: Fish and Game)  
72, K 168
- HB 872-FN**, relative to an exception to the wiretapping and eavesdropping statute for recording images or sounds occurring where there is no reasonable expectation of privacy. (Dumaine, Rock 3; et al: Criminal Justice and Public Safety)  
72, K 360
- HB 873-FN-L**, establishing minimum renewable standards for energy portfolios. (Harvey, Hills 21; et al: Science, Technology and Energy)  
72, rules suspended 232, rules suspended & SO 565, 635, am 649-656, psd 688, S conc 790, enr am 792, enr 793 (Chapter 26)
- HB 874-FN-A**, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover certain adults. (Schmidt, Straf 4; et al: Commerce)  
72, K 153
- HB 875**, not introduced.

**HB 876-FN-L**, relative to eliminating the special account, changing the definition of earnable compensation, and revising the calculation of employee and employer contribution rates and cost-of-living adjustments in the retirement system, and assigning all new employees to group I. (Kurk, Hills 7: Executive Departments and Administration)

**new title:** establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system.

**2<sup>nd</sup> new title:** establishing a commission to make recommendations to ensure the long-term viability of the New Hampshire retirement system, and making an appropriation therefore. 72, rules suspended 232, am 374-375, psd 567, nonconc S am, conf 980, 1051, rep adop 1075, 1092, enr 1108, appointments 1134 (Chapter 355)

**HB 877-FN**, relative to the state recycling program. (Morrison, Belk 2; et al: Environment and Agriculture)  
72, ret 1121

**HB 878-FN**, relative to drivers' licenses issued to persons 70 years of age and older and relative to the medical/vision advisory board. (Morrison, Belk 2; et al: Transportation)  
72, ret 1121

**HB 879-FN**, relative to establishing a conservation agent program within the department of environmental services. (Fargo, Straf 4; et al: Environment and Agriculture)  
72, K 368

**HB 880-FN**, requiring the department of resources and economic development to implement a feasibility study for the production of alternative forms of energy using natural resources of the state of New Hampshire and making an appropriation therefor. (Owen, Merr 4; et al: Science, Technology and Energy)  
72. rules suspended 232, K 423

**HB 881-FN**, relative to the licensure and regulation of interior designers. (Wood, Belk 4; et al: Executive Departments and Administration)  
72, K 502-503

**HB 882-FN**, relative to limitations on tort liability of government units. (Sorg, Graf 3: Judiciary)  
73, SO 565, am 611-612, psd 635, nonconc S am, conf 980, 1051, rep adop 1075, (RC) 1093-1095, enr 1111 (Chapter 356)

**HB 883-FN-A**, relative to tolls. (O'Neil, Hills 19: Public Works and Highways)  
73, K 266

**HB 884-FN-A**, increasing the rate of the tobacco tax. (Almy, Graf 11; et al: Ways and Means)  
73, ret 1121

**HB 885-FN**, relative to the deputy commissioner of the department of employment security. (Marshall Quandt, Rock 13; et al: Executive Departments and Administration)  
73, K 375

**HB 886-FN-A-L**, relative to funding an adequate education. (Wells, Rock 8; et al: Ways and Means)  
73, ret 1121

**HB 887-FN**, allowing certain members of the United States armed forces, including the reserve component, and veterans who qualify for the Montgomery GI Bill, to take courses tuition free at public postsecondary institutions. (Kjellman, Merr 5; et al: Finance)  
73, ret 1121

**HB 888-FN-A**, relative to instructional and operational costs of providing an adequate education. (Gile, Merr 10; et al: Education)  
73, ret 1121

- HB 889-FN**, relative to securities regulation. (R. Johnson, Rock 1: Commerce)  
73, am 341, psd 566, S conc 860, enr am 862, enr 906 (Chapter 104)
- HB 890-FN**, relative to sentencing of persons convicted of Internet solicitation of a minor. (Baldasaro, Rock 3; et al: Criminal Justice and Public Safety)  
73, K 360
- HB 891-FN-A**, establishing a beverage fee to be paid by beverage manufacturers and distributors. (Mulholland, Graf 10: Ways and Means)  
73, rem 328, rules suspended & SO 565, 635, K 687
- HB 892-FN**, relative to bonding for subdivisions and condominium projects. (Infantine, Hills 13: Municipal and County Government)  
73, K 407
- HB 893-FN**, relative to long-term care. (Donovan, Sull 4; et al: Health, Human Services and Elderly Affairs)  
73, am & Finance 548-550, ret 1121
- HB 894-FN**, requiring insurance coverage for bariatric surgery for diabetics. (Marshall Quandt, Rock 13; et al: Commerce)  
73, ret 1121
- HB 895-FN**, relative to licensure of court reporters. (Shurtleff, Merr 10: Executive Departments and Administration)  
73, am 375-380, psd 567, conc S am 980, enr am 1056, enr 1103 (Chapter 300)
- HB 896-FN-L**, relative to authority to waive interest on late paid property tax bills. (Cloutier, Sull 4; et al: Municipal and County Government)  
73, K 407-408
- HB 897-FN-A**, relative to the salary of the state veterinarian. (Phinizy, Sull 5; et al: Environment and Agriculture)  
73, Finance 164, rem 691, K 767
- HB 898**, relative to the use of sled dogs and the training of sled dogs on state trails. (Phinizy, Sull 5; et al: Resources, Recreation and Development)  
73, rules suspended & SO 565, 635, am (RC) 644-649, psd 688, conc S am 981, enr 1054 (Chapter 228)
- HB 899-FN-A**, assessing a fee on water withdrawn for sale or resale from water supply sources in the state. (Martin, Carr 5; et al: Resources, Recreation and Development)  
73, K 147-148
- HB 900**, not introduced.
- HB 901**, relative to requirements for non-driver identification cards. (Mooney, Hills 19; et al: Transportation)  
73, ret 1121
- HB 902**, establishing a committee to study the costs and benefits of the drug prohibition policy on the people of New Hampshire. (Ingbretson, Graf 5: Criminal Justice and Public Safety)  
73, rem 327, rules suspended & SO 565, 635, K 675-676
- HB 903-FN**, prohibiting delivery of oil to non-compliant underground storage facilities. (C. Christensen, Hills 19; et al: Resources, Recreation and Development)  
**new title:** prohibiting delivery of oil to non-compliant underground storage facilities and establishing requirements for guaranteed price plans and prepaid contracts for home heating oil, kerosene, or liquid petroleum gas.  
73, am 420-421, psd 568, S LT 863, nonconc S am, conf 1043, 1051, rep adop 1075, 1095, enr 1111 (Chapter 376)

- HB 904-FN-L**, defining an adequate education and relative to calculating the cost of an adequate education and adequate education grants. (Casey, Rock 11; et al: Education)  
74, ret 1121
- HB 905**, establishing civil unions as legally recognized relationships. (Vaillancourt, Hills 15: Judiciary)  
74, SO 565, K 612
- HB 906**, relative to an informed jury. (Ingretson, Graf 5; et al: Judiciary)  
74, rem 327, rules suspended & SO 565, 635, K 679
- HB 907-FN**, relative to the sale, distribution, and disposal of certain mercury-added products. (Phinzy, Sull 5; et al: Environment and Agriculture)  
**new title:** relative to the sale and distribution of certain mercury-added products.  
74, am 491-492, psd 568, S conc 861, enr 906 (Chapter 105)
- HB 908-FN**, relative to the licensure and regulation of massage therapists and registration of somatic and bodywork practitioners. (Baroody, Hills 13: Executive Departments and Administration)  
74, ret 1121
- HB 909**, relative to oaths required of public officers. (Itse, Rock 9; et al: Judiciary)  
74, K 389
- HB 910-FN**, relative to state reimbursement to sheriffs' departments for the costs associated with court bailiffs. (DiFruscia, Rock 4: Finance)  
74, ret 1121
- HB 911-FN-L**, establishing an automated external defibrillator trust fund and making an appropriation therefor. (Hamm, Merr 4; et al: Ways and Means)  
**new title:** establishing an automated external defibrillator advisory commission.  
74, vac Finance 179, am 693-695, psd 768, S conc 860, enr 861, appointments 1141 (Chapter 62)
- HB 912-FN-A-L**, establishing the New Hampshire homestead plan. (Peterson, Hills 3; et al: Ways and Means)  
74, ret 1121
- HB 913-FN-A**, establishing a senior citizen property tax postponement program. (Rowe, Hills 6: Ways and Means)  
74, rem 328, rules suspended & SO 565, 635, K 687-688
- HB 914-L**, relative to the procedure for withdrawal from certain cooperative school districts and establishing a commission to study the procedures for withdrawal from a cooperative school district. (Drisko, Hills 5; et al: Education)  
**new title:** establishing a committee to study issues related to cooperative school districts.  
74, am 362-363, psd 566, conc S am 1037, enr 1056, appointments 1134 (Chapter 257)
- HB 915**, establishing a committee to study the trafficking and distribution of illegal drugs into and throughout New Hampshire. (Hinkle, Hills 19; et al: Criminal Justice and Public Safety)  
74, K 360
- HB 916**, relative to nonpublic or private schools receiving public funds. (P. McMahon, Merr 3: Education)  
74, ret 1122
- HB 917**, establishing a commission to study implementing a statewide emergency communications system. (Harding, Graf 11; et al: Science, Technology and Energy)  
**new title:** relative to the duties of the oversight committee on telecommunications.  
74, am 423, psd 568, conc S am 981, enr 1054, committee amended 1125 (Chapter 229)



- HB 918-FN**, relative to motor vehicle registrations for manufacturers. (Campbell, Hills 24: Transportation)  
74, am 428, psd 568, S conc 861, enr am 1033-1034, enr 1050 (Chapter 230)
- HB 919**, relative to the high school curriculum for New Hampshire history. (Holden, Hills 7; et al: Education)  
74, ret 1122
- HB 920**, establishing a worker adjustment and retraining notification requirement. (Long, Hills 10: Labor, Industrial and Rehabilitative Services)  
74, K 396
- HB 921-FN**, making technical changes in the insurance laws. (McLeod, Graf 2; et al: Commerce)  
75, am 341-354, psd 566, conc S am 865, enr am & enr 1056 (Chapter 289)
- HB 922-FN**, relative to licensing for games of chance. (F. Sullivan, Hills 12; et al: Executive Departments and Administration)  
75, K 380
- HB 923**, prohibiting dog racing in New Hampshire and establishing a committee to make recommendations for mitigating the impacts of prohibiting dog racing. (Schmidt, Straf 4; et al: Executive Departments and Administration)  
75, K (2RCs) 503-508, recon rej (RC) 517-520
- HB 924-FN**, relative to the deconstruction of buildings. (Owen, Merr 4: Environment and Agriculture)  
75, ret 1122
- HB 925-FN-A**, relative to state and local taxes. (Hamm, Merr 4; et al: Ways and Means)  
75, ret 1122
- HB 926-FN**, relative to the regulation of pharmacies and pharmacists. (Wendelboe, Belk 1; et al: Health, Human Services and Elderly Affairs)  
121, psd 387, 567, conc S am 865, enr 1035 (Chapter 202)
- HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education. (Rous, Straf 7; et al: Education)  
**new title:** relative to the specific criteria and substantive educational program that define an adequate education, the resources required to provide an adequate education, and the establishment of a timetable for costing an adequate education.  
121, am (2RCs) & debate printed 459-473, recon rej 520, psd 568, nonconc S am, conf (RC) 1043-1045, 1051, rep adop 1075, (RC) 1095-1097, debate printed 1097-1101, enr am & enr 1105, appointments 1141 (Chapter 270)
- HB 928**, relative to the Christa McAuliffe planetarium commission. (MacKay, Merr 11; et al: Executive Departments and Administration)  
227, psd 508, 569, S conc 790, enr 793, committee amended 1124 (Chapter 39)

## 2007 SESSION

### HOUSE JOINT RESOLUTIONS

- HJR 1**, urging that more veterans' mental health counseling centers be established in New Hampshire. (Hawkins, Hills 18; et al: State-Federal Relations and Veterans Affairs)  
**new title:** urging that more veterans' mental health counseling centers be established in New Hampshire and urging that funding be continued for the Manchester Veterans' Center.  
55, am 423-424, psd 568, S conc 860, enr 862 (Chapter 106)

**2007 SESSION****HOUSE CONCURRENT RESOLUTIONS**

- HCR 1**, declaring the directives of the judicial branch in the Claremont cases that the legislative and executive branches define an “adequate education,” adopt “standards of accountability,” and “guarantee adequate funding” of a public education are not binding on the legislative and executive branches. (Sorg, Graf 3: Judiciary)  
32, SO 565, K 612-613
- HCR 2**, urging the federal government to establish a post office and a zip code in the town of Lee. (Wall, Straf 7; et al: State-Federal Relations and Veterans Affairs)  
32, adop 87-88, 95, S conc 768
- HCR 3**, urging that New Hampshire members and veterans of the armed forces and national guard and their dependents receive health screening for depleted uranium exposure. (French, Merr 5; et al: State-Federal Relations and Veterans Affairs)  
38, am 268, adop 325, S conc 860
- HCR 4**, endorsing the placement of a New Hampshire Air Force Memorial at the veterans cemetery in Boscawen. (Domingo, Straf 5; et al: Public Works and Highways)  
**new title:** recognizing the sacrifices and service of New Hampshire Air Force veterans on the 60<sup>th</sup> anniversary of the United States Air Force.  
47, SO 176, am 200-201, adop 227, S conc 768
- HCR 5**, endorsing the National Health Insurance Act. (McEachern, Rock 16; et al: State-Federal Relations and Veterans Affairs)  
52, adop (RC) 311-314, 326, S nonconc 907
- HCR 6**, urging Congress to prevent the implementation of the North American Free Trade Agreement superhighway system. (D. Smith, Hills 22; et al: State-Federal Relations and Veterans Affairs)  
52, adop 314, 326, S Com 863, 1123
- HCR 7**, urging federal action on the earned income tax credit and other tax benefits related to child custody. (Rep. Matarazzo, Hills 20: State-Federal Relations and Veterans Affairs)  
73, ret 1122
- HCR 8**, urging Congress to rename the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital. (Rep. Weyler, Rock 8: State-Federal Relations and Veterans Affairs)  
75, adop 423, 568, S Com 863, 1123

**2007 SESSION****HOUSE RESOLUTIONS**

- HR 1**, adopting the rules of the 2006 session for the 2007-2008 biennium.  
intro & adop 10
- HR 2**, recording House sessions and the permanent journal.  
intro & adop 10
- HR 3**, distribution of House publications.  
intro & adop 10
- HR 4**, the Speaker employing personnel per RSA 17-E:5.  
intro & adop 10
- HR 5**, legislative salary and mileage payments.  
intro & adop 10
- HR 6**, relative to the tied election in Hillsborough County District 3.  
intro & adop 11

- HR 7**, urging increased consideration and preservation of local authority in international trade and investment agreements. (Weed, Ches 3; et al: State-Federal Relations and Veterans Affairs)  
47, rules suspended & SO 565, 635, adop (RC) 642-644, 688
- HR 8**, requesting an opinion from the New Hampshire supreme court on certain questions regarding education funding. (Sorg, Graf 3; et al: Judiciary)  
47, SO 565, K (RC) 613-616
- HR 9**, supporting the U.S. Mayors Climate Protection Agreement. (S. Merrick, Coos 2; et al: State-Federal Relations and Veterans Affairs)  
73, rules suspended & SO 565, 635, adop 644, 688
- HR 10**, opposing President George W. Bush's Iraq policy and urging the President and Congress to take actions relative to veterans' benefits and the war in Iraq. (Splaine, Rock 16; et al: State-Federal Relations and Veterans Affairs)  
227, SO, adop (4RCs) & protest 526-538, recon rej 539, adop 569
- HR 11**, memorializing state Representative James H. Oliver of Hooksett.  
intro & adop 521-522, remarks 539
- HR 12**, affirming revenue estimates for fiscal years 2007, 2008, and 2009. (Almy, Graf 11: Ways and Means)  
786, LT (RC) 786-789, 1117
- HR 13**, memorializing State Representative Donald R. Buxton of Brentwood.  
intro, adop & remarks 1059-1060, adop 1102

## 2007 SESSION

### SENATE BILLS

- SB 18-FN**, raising the age of required attendance of children in school. (Education)  
569, Finance (3RCs) 814-822, recon rej (RC) 825-827, psd (3RCs) 934-942, 976, enr 1054 (Chapter 242)
- SB 27-FN**, relative to the display of the POW-MIA flag. (Judiciary)  
569, am (2RCs) 956-961, psd 976, S conc 1049, enr 1103 (Chapter 357)
- SB 28**, redefining the "board of public employer for the judiciary" in public employee collective bargaining. (Judiciary)  
569, conflict of interest declaration 796, psd 803, 859, enr 906 (Chapter 107)
- SB 29**, updating laws relative to child impact seminars to reflect the implementation of the judicial branch family division. (Children and Family Law)  
569, am 796, psd 858, S conc 1049, enr 1103 (Chapter 301)
- SB 30**, combining the judicial branch salary adjustment fund and the judicial branch benefit adjustment account into a single fund. (Judiciary)  
569, conflict of interest declaration 866, psd 872, 902, enr 1035 (Chapter 185)
- SB 31**, adding the chief justice of the supreme court or designee to the advisory council on emergency preparedness and security. (Executive Departments and Administration)  
570, K 910-911
- SB 32-FN**, increasing the maximum amount of debt or damages for small claims actions. (Judiciary)  
570, ret 1122
- SB 33-FN**, equalizing the pay of administrative judges in the judicial branch. (Judiciary)  
570, psd 896, 902, enr 1035 (Chapter 186)

- SB 35-FN-A**, making an appropriation for disaster relief assistance in response to the May 2006 floods and establishing a committee to study the distribution of financial disaster assistance. (Finance)  
**new title:** making an appropriation for disaster relief assistance in response to the May 2006 floods and April 2007 floods and establishing a committee to study the distribution of financial disaster assistance.  
 570, am 894-896, psd 902, S nonconc, conf 1052, rep adop 1060, 1101, enr 1111, appointments 1135 (Chapter 334)
- SB 36**, eliminating straight ticket voting. (Election Law)  
 121, psd 479, 568, enr 688 (Chapter 1)
- SB 37**, relative to accidental death benefit payments in the city of Manchester employees' contributory retirement system. (Executive Departments and Administration)  
 570, psd 774, 791, enr 793 (Chapter 45)
- SB 38**, relative to uninsured or hit-and-run motor vehicle coverage. (Commerce)  
 570, am 808, psd 859, S conc 1049, enr 1103 (Chapter 302)
- SB 39**, allowing a newly-retired supreme court justice to continue to participate as a temporary justice in a case held before retirement but decided after. (Judiciary)  
 570, psd 775, 791, enr 793 (Chapter 46)
- SB 40**, relative to the modular building code. (Municipal and County Government)  
 570, psd 805, 859, enr 906 (Chapter 108)
- SB 41**, relative to the authority of law enforcement officers to obtain registration checks on motor vehicles for official purposes and prohibiting the use of automated number plate scanning devices. (Criminal Justice and Public Safety)  
 570, am 890-891, psd 902, S conc 1049, enr am 1103, enr 1111 (Chapter 335)
- SB 42**, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places. (Commerce)  
 570, psd (3RCs) 879-888, 902, enr 1035 (Chapter 203)
- SB 43**, relative to the training for barbers and establishing the master barber license under the board of barbering, cosmetology, and esthetics. (Executive Departments and Administration)  
 570, psd 774-775, 791, enr 793 (Chapter 47)
- SB 45**, changing the name of the ballot law commission to the elections and ballot law commission, increasing the membership of the commission, and requiring the commission to propose redistricting plans. (Election Law)  
 771, ret 1122
- SB 46**, requiring criminal conviction record checks of all applicants to practice medicine in New Hampshire. (Executive Departments and Administration)  
**new title:** requiring criminal history record checks of all applicants to practice medicine in New Hampshire, and revising the criminal history record checks under the nurse practice act.  
 689, am 869-871, psd 902, S conc 1049, enr 1103 (Chapter 303)
- SB 47-FN-A**, making a supplemental appropriation for school building aid. (Finance)  
 570, am 842, psd 859, S conc 1049, enr 1056 (Chapter 290)
- SB 50**, relative to the membership of the state veterans' advisory committee and authorizing the state veterans council to accept certain donations and bequests. (State-Federal Relations and Veterans Affairs)  
 570, psd 806, 859, enr 906, committee amended 1125 (Chapter 109)
- SB 51**, transferring authority over court forms from the supreme court to the judicial branch administrative council. (Judiciary)  
 570, psd 775, 791, enr 793 (Chapter 48)

- SB 52**, relative to authorizing the attorney general to bring actions for violations of New Hampshire combination and monopolies law. (Commerce)  
570, am 888-889, psd 902, S nonconc, conf 1052, conferee change 1054, rep adop 1060, 1101, enr am 1108, enr 1111 (Chapter 336)
- SB 53**, relative to membership of the board of trustees of the regional community-technical colleges. (Education)  
570, psd 868, 902, enr 1035 (Chapter 201)
- SB 54**, relative to dog license fees. (Municipal and County Government)  
570, rcmt 855, K 972
- SB 55-FN**, establishing a committee to study the efficacy of the Master Settlement Agreement and strategies for addressing the financial burden imposed on the state by cigarette smoking and the use of tobacco products. (Ways and Means)  
570, conflict of interest declaration 796, am 807, psd 859, S conc 1049, enr 1056, appointments 1135 (Chapter 304)
- SB 56**, relative to Old Drewsville Road in the town of Walpole. (Transportation)  
570, vac Public Works and Highways 774, psd 878, 902, enr 977 (Chapter 155)
- SB 57**, requiring a course in civics for high school graduation. (Education)  
689, K 891
- SB 58**, relative to the recommendation for the town budget. (Municipal and County Government)  
570, am 972-973, psd 976, S conc 1049, enr 1103 (Chapter 305)
- SB 59**, establishing a committee to study the effect on the unemployment compensation trust fund of employees with negative balance separate accounts. (Labor, Industrial and Rehabilitative Services)  
**new title:** establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.  
570, am 804, psd 859, S conc 1049, enr 1056, appointments 1135 (Chapter 258)
- SB 60-FN**, relative to compensations for injuries and illnesses suffered by national guard members on state active duty. (Labor, Industrial and Rehabilitative Services)  
689, conflict of interest declaration 796, Finance 804, conflict of interest declaration 909, psd 912, 976, enr 1054 (Chapter 231)
- SB 63**, authorizing the commissioner of revenue administration to extend tax filing deadlines for certain members of the armed forces. (Ways and Means)  
570, ret 1122
- SB 64**, changing the dates of the reports on court facilities made to the supreme court by the court accreditation commission and made to the commissioner of administrative services by the supreme court. (Public Works and Highways)  
570, am 775, psd 791, S conc 1049, enr 1105 (Chapter 306)
- SB 65-FN**, requiring that the state provide 21 days' written notice to the defendant prior to jury selection for his or her trial of the state's request for an extended term of imprisonment. (Criminal Justice and Public Safety)  
570, psd 798-799, 859, enr 906 (Chapter 110)
- SB 66**, relative to involuntary civil commitment of sexually violent predators and relative to payment of the sex offender registration fee by criminal offenders. (Criminal Justice and Public Safety)  
771, am 799, psd 859, S conc 1049, enr am 1103, enr 1111 (Chapter 337)
- SB 67-FN-A**, relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor. (Public Works and Highways)  
771, am & Finance 856, psd 947, 976, S nonconc, conf 1052, rep adop 1060-1061, 1101 enr 1111 (Chapter 358)

- SB 68-FN-A**, making an appropriation to the department of environmental services to implement the New Hampshire estuaries project's comprehensive conservation and management plan. (Environment and Agriculture)  
771, vac Resources, Recreation and Development 774, am & Finance 856-857, am 913, psd 976, S conc 1049, enr 1056 (Chapter 259)
- SB 69**, relative to exceptions to the confidentiality provisions for certain department of employment security records. (Labor, Industrial and Rehabilitative Services)  
570, am 804, psd 859, S conc 1049, enr 1103 (Chapter 307)
- SB 70**, relative to external review for disability income policies. (Commerce)  
570, K 867
- SB 71**, relative to setback requirements for new landfills located near designated rivers. (Environment and Agriculture)  
769, am 893-894, psd 902, S conc 1049, enr 1103 (Chapter 308)
- SB 72-L**, relative to standards for public school approval. (Education)  
570, K 799
- SB 73-FN-A**, relative to lottery prizes and administration by the lottery commission. (Ways and Means)  
570, LT 857, 1117
- SB 74-FN**, relative to the operation and administration of the state park system. (Resources, Recreation and Development)  
570, SO 975, am 981-984, psd 1032, S conc 1049, enr 1103, appointments 1141 (Chapter 359)
- SB 75-FN**, relative to establishing a south central New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire. (Transportation)  
**new title:** relative to establishing a New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire.  
570, SO 879, 975, am (3RCs) 1004-1018, psd 1032, S conc 1049, enr am 1103, enr 1108, appointments 1142 (Chapter 360)
- SB 76-FN-L**, establishing a commission to study the proper allocation of costs for transporting convicted persons and methods for minimizing the costs of transporting convicted persons. (Criminal Justice and Public Safety)  
571, am 867-868, psd 901, S conc 1049, enr 1056, appointments 1135 (Chapter 260)
- SB 78**, relative to the placement of twins or other multiples in the same classroom. (Education)  
571, am 799, psd 859, S conc 1049, enr 1103 (Chapter 309)
- SB 80**, relative to qualified minor's trusts. (Children and Family Law)  
571, psd 796, 858, enr 906 (Chapter 111)
- SB 81**, relative to the state building code. (Executive Departments and Administration)  
771, psd 871, 902, enr 1035 (Chapter 187)
- SB 82-FN**, reorganizing the administration and governance of the regional community-technical college system. (Education)  
769, am & Finance 822-824, am 948-949, psd 976, S conc 1049, enr am 1103, enr 1111, committee amended 1124, appointments 1135 (Chapter 361)
- SB 83**, naming the Epsom traffic circle in honor of Officer Jeremy Charron and Officer Michael Briggs and naming a portion of Route 4 in honor of Officer Michael Briggs. (Public Works and Highways)  
571, psd (RC) & debate printed 776-779, psd 791, enr 793 (Chapter 57)

- SB 84**, establishing procedural requirements to improve implementation of the 10-year highway plan. (Public Works and Highways)  
571, ret 1122
- SB 85**, relative to eligibility for the property tax exemption for the disabled. (Municipal and County Government)  
571, ret 1122
- SB 86**, naming a bridge in Plymouth. (Public Works and Highways)  
689, psd (RC), recon, psd (RC) & debate printed 779-786, psd 791, enr 793 (Chapter 63)
- SB 87**, making technical corrections to certain lottery commission provisions. (Ways and Means)  
689, psd 807, 859, enr 906 (Chapter 112)
- SB 88**, relative to public employee terms of employment, bargaining units, and dispute resolution. (Labor, Industrial and Rehabilitative Services)  
571, am & LT (RC) 962-966, LT (RC) 973-975, (RC) 1029-1032, 1117
- SB 91**, relative to political contributions by corporations, partnerships, and labor unions. (Election Law)  
571, am 891-892, psd 902, S nonconc, conf 1052, rep rej (RC) 1061-1064
- SB 92**, relative to the definition of employee and clarifying the criteria for exempting workers from employee status. (Labor, Industrial and Rehabilitative Services)  
771, am 967-971, psd 976, S conc 1049, enr am 1108, enr 1111 (Chapter 362)
- SB 93-FN**, relative to insurance coverage for children's early intervention therapy services. (Commerce)  
689, am & Finance (RC) 808-812, psd 949, 976, S conc 1049, enr am 1103, enr 1108 (Chapter 338)
- SB 94**, relative to the office of information technology. (Executive Departments and Administration)  
571, ret 1122
- SB 95**, relative to bingo games conducted by senior citizens' organizations. (Ways and Means)  
689, psd 879, 902, enr 1035 (Chapter 188)
- SB 97**, relative to unemployment administrative contributions and the training fund, and transferring the job training program administered by the department of regional community-technical colleges to the department of resources and economic development. (Labor, Industrial and Rehabilitative Services)  
571, Ways and Means 854-855, psd 918, 976, enr 1054, committee repealed 1125, appointments 1139 (Chapter 204)
- SB 98**, relative to party access to voter information. (Election Law)  
771, am 892-893, psd 902, recon rej 961, S conc 1049, enr 1103 (Chapter 377)
- SB 99**, relative to the terms for payment in lieu of taxes for renewable generation facilities. (Municipal and County Government)  
571, conflict of interest declaration 796, psd 805, 859, enr 906 (Chapter 113)
- SB 100**, relative to the authority of a real estate escrow agent to hold funds in the event of a dispute. (Commerce)  
571, psd 797, 859, enr 906 (Chapter 114)
- SB 101**, relative to payment of costs for certain students attending alternative education programs. (Education)  
771, Finance 824, psd 949-950, 976, enr 1054 (Chapter 232)
- SB 102-FN**, relative to the powers of state government in the event of an incident or outbreak of communicable disease. (Health, Human Services and Elderly Affairs)  
769, ret 1122

- SB 104**, relative to the directory of charitable trusts. (Commerce)  
571, psd 797, 859, enr 906 (Chapter 115)
- SB 105**, repealing the bond requirement for fund raising counsel of a charitable trust. (Commerce)  
571, psd 797, 859, enr 906 (Chapter 116)
- SB 106**, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch. (Legislative Administration)  
571, conflict of interest declaration 866, am 875-877, psd 902, S nonconc, conf 1052, rep rej (RC) 1064-1070
- SB 107**, authorizing the judicial branch family division and the superior court to use bail commissioners in civil cases. (Judiciary)  
571, psd 873, 902, enr 1035 (Chapter 189)
- SB 108**, making technical corrections to the probate laws. (Judiciary)  
571, conflict of interest declaration 796, psd 803, 859, enr 906 (Chapter 117)
- SB 109**, relative to emergency powers of the supreme court. (Judiciary)  
771, am 873, psd 902, S conc 1049, enr 1103, S sustained veto 1116
- SB 111**, permitting a dam to be constructed on Lake Ivanhoe in the town of Wakefield. (Resources, Recreation and Development)  
571, psd 918, 976, enr 1054 (Chapter 233)
- SB 113-FN**, relative to the position of special justice in the district court. (Judiciary)  
571, conflict of interest declaration 866, psd 873, 902, enr 1035 (Chapter 190)
- SB 117-FN**, relative to fireworks display permits and the position of permissible fireworks inspector. (Executive Departments and Administration)  
769, am & Finance 800-801, ret 1122
- SB 118**, increasing fines for certain dog violations. (Municipal and County Government)  
571, am 805, psd 859, S conc 1049, enr am 1108, enr 1111 (Chapter 339)
- SB 119**, establishing a committee to study the oversight of municipal capital reserve funds. (Municipal and County Government)  
571, K 877-878
- SB 123**, relative to pole attachments. (Science, Technology and Energy)  
769, SO 975, am 988-989, psd 1032, S conc 1049, enr am 1103, enr 1108 (Chapter 340)
- SB 124**, changing the membership of the economic development matching grants screening committee. (Commerce)  
571, psd 797, 859, enr 906 (Chapter 118)
- SB 125-FN**, relative to certificates for architect business organizations. (Commerce)  
571, am & Executive Departments and Administration 813, psd 911, 976, S conc 1049, enr 1103 (Chapter 310)
- SB 126-FN-A**, relative to motor vehicle fines. (Transportation)  
769, K 807
- SB 128-FN**, establishing an enhanced penalty for injuring another as a result of resisting arrest. (Criminal Justice and Public Safety)  
571, psd 868, 902, enr 1035 (Chapter 191)
- SB 129-FN**, requiring interpretation services upon request for persons receiving medical treatment. (Health, Human Services and Elderly Affairs)  
571, K 871
- SB 131**, relative to insurance coverage for services of midwives. (Commerce)  
769, ret 1122



- SB 132-FN**, allowing marital masters to be reimbursed for certain expenses and repealing a provision permitting court stenographers to be reimbursed for expenses. (Judiciary)  
571, psd 803, 859, enr 906 (Chapter 119)
- SB 133-FN**, relative to the escrow fund for court facility improvements. (Judiciary)  
689, Ways and Means 803, conflict of interest declaration 909, psd 918, 976, enr 1054 (Chapter 234)
- SB 134-FN-A**, establishing a research and development credit against business taxes. (Ways and Means)  
**new title:** establishing a research and development credit against business taxes and requiring the commission of resources and economic development to report on the research and development tax credit program.  
**2<sup>nd</sup> new title:** establishing a research and development credit against business taxes and requiring the commissioner of resources and economic development to report on the research and development tax credit program.  
771, SO 975, am (RC) 1018-1022, psd 1032, S conc 1049, enr am 1103, enr 1108 (Chapter 271)
- SB 135**, establishing a commission to study lowering costs of health insurance for small businesses. (Commerce)  
571, psd 889, 902, enr 1035, appointments 1135 (Chapter 192)
- SB 136**, relative to the attorney general's authority to appoint, organize, and assign investigatory personnel at the department of justice. (Criminal Justice and Public Safety)  
571, psd 799, 859, enr am 863, enr 1050 (Chapter 235)
- SB 137-FN**, removing the prospective repeal of community reinvestment and opportunity zones (CROP zones). (Commerce)  
571, Ways and Means 797, SO 975, am (RC) 1022-1027, psd 1032, S nonconc 1050
- SB 138-FN-A**, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making appropriations therefor. (Health, Human Services and Elderly Affairs)  
**new title:** relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders.  
771, Finance (2RCs) 843-848, am 950, psd 976, S conc 1049, enr am 1103, enr 1108, committee amended 1124 (Chapter 363)
- SB 139-FN**, relative to the asset transfer penalty in Medicaid. (Health, Human Services and Elderly Affairs)  
571, psd 871, 902, enr 1035 (Chapter 193)
- SB 140**, relative to transmission upgrades, the process for siting renewable generation facilities, and the study of demand response programs and distributed generation. (Science, Technology and Energy)  
771, SO 975, am 989-992, psd 1032, S conc 1049, enr 1108, committee amended 1125 (Chapter 364)
- SB 143**, naming Jericho Mountain state park and establishing ATV and trail bike trails in such park. (Resources, Recreation and Development)  
**new title:** relative to ATV and trail bike trails in Jericho Mountain Park.  
**2<sup>nd</sup> new title:** naming Jericho Mountain state park and establishing ATV and trail bike trails in such park.  
769, SO 975, am, recon & am (RC) 984-988, psd 1032, S nonconc, conf 1052, rep adop 1070-1071, 1102, enr am 1108, enr 1111 (Chapter 341)
- SB 144-FN**, relative to the permissible sales commission on the sale of lottery tickets. (Ways and Means)  
**new title:** relative to lottery ticket sales and revenue.  
689, am 900-901, psd 902, S conc 1049, enr 1103 (Chapter 311)

- SB 145-FN**, allowing marital masters and registers and deputy registers of probate to perform notarial acts. (Judiciary)  
571, psd 803, 859, enr 906 (Chapter 120)
- SB 146-FN**, relative to allowing service credit for certain court system employment. (Executive Departments and Administration)  
770, ret 1122
- SB 148-FN**, relative to retirement system status for members of the university system police force. (Executive Departments and Administration)  
689, K (2RCs) 835-841
- SB 149**, relative to the 2 family support councils for the developmentally disabled serving Lebanon and Claremont. (Health, Human Services and Elderly Affairs)  
689, K 896
- SB 152**, relative to permanency planning for delinquent children, abused and neglected children, and children in need of services. (Children and Family Law)  
771, psd 796, 858, enr am 863, enr 1050 (Chapter 236)
- SB 153**, establishing a committee to study changing statutory references to “mental retardation.” (Health, Human Services and Elderly Affairs)  
**new title:** establishing a commission to study changing statutory references to “mental retardation.”  
689, am 871-872, psd 902, S conc 1049, enr 1056, appointments 1135 (Chapter 261)
- SB 154**, relative to the workers’ compensation compliance statement. (Labor, Industrial and Rehabilitative Services)  
770, psd 971, 976, enr 1054 (Chapter 237)
- SB 155**, relative to insurance coverage for chiropractic services. (Commerce)  
689, K 813
- SB 157**, establishing a committee to study the criteria necessary for the creation of a master plan for the development of future all-terrain vehicle parks. (Resources, Recreation and Development)  
770, K 918
- SB 159-FN-L**, relative to polling place arrangement and accessibility. (Election Law)  
572, am 868-869, psd 902, S conc 1049, enr 1103 (Chapter 312)
- SB 160-FN-L**, adding members to the Skyhaven airport operation commission and changing the required completion date for the Skyhaven airport transfer plan. (Public Works and Highways)  
**new title:** adding members to the Skyhaven airport operation commission and relative to the Skyhaven airport transfer plan.  
689, am 805-806, psd 859, S conc 1049, enr 1103, committee amended 1124 (Chapter 342)
- SB 161-FN**, relative to the registration fees for mortgage servicing companies. (Commerce)  
**new title:** relative to the registration fees for mortgage servicing companies and relative to debt adjustment services.  
572, am 797-798, psd 859, S nonconc, conf 1053, rep adop 1071, 1102, enr 1111 (Chapter 343)
- SB 162**, establishing a commission to oversee and negotiate issues relative to the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO). (Labor, Industrial and Rehabilitative Services)  
770, am 874, psd 902, S conc 1050, enr am 1104, enr 1108, appointments 1139 (Chapter 365)
- SB 164**, relative to renewals and reinstatements of licenses issued by the board of dental examiners and procedures of the board. (Executive Departments and Administration)  
572, psd 775, 791, enr 793 (Chapter 49)

- SB 166-FN**, relative to port moorings. (Executive Departments and Administration)  
770, ret 1122
- SB 167-FN**, relative to the licensure of medical assistants by the board of nursing. (Health, Human Services and Elderly Affairs)  
572, K 803
- SB 168-FN**, establishing tuition waivers for foster children. (Education)  
572, vac Children and Family Law 774, am 867, psd 901, S conc 1050, enr 1103 (Chapter 366)
- SB 169-FN-A**, establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty and establishing a committee to study the feasibility of establishing a state death benefit for emergency medical technicians killed in the line of duty. (Executive Departments and Administration)  
**new title:** establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty and establishing a committee to study the eligibility for and award of the benefit.  
689, am & Finance 841-842, psd 950, 976, S conc 1050, enr 1105, appointments 1136 (Chapter 291)
- SB 170-FN**, establishing an office of mediation and arbitration within the judicial branch. (Judiciary)  
572, conflict of interest declaration 866, am 873, psd 902, S nonconc, conf 1053, rep adop 1071, 1102, enr 1111 (Chapter 344)
- SB 172-FN-L**, allowing counties to share correctional facilities. (Municipal and County Government)  
770, ret 1122
- SB 173**, relative to regulation of private postsecondary career schools. (Education)  
770, ret 1122
- SB 175-FN-A**, establishing an apprentice hunting license. (Fish and Game)  
572, K 802-803
- SB 176-FN**, relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standards. (Health, Human Services and Elderly Affairs)  
771, am (RC) & Finance 849-852, psd 950-951, S nonconc, conf 1053, rep adop 1071-1072, 1102, enr am 1108, enr 1111, appointments 1136 (Chapter 293)
- SB 178-FN**, relative to the judicial retirement plan. (Executive Departments and Administration)  
771, conflict of interest declaration 909, am 911-912, psd 976, S conc 1050, enr 1103, committee amended 1124 (Chapter 313)
- SB 179-FN-A**, establishing an automated external defibrillator advisory commission. (Education)  
572, ret 1122
- SB 180**, relative to local regulation of persons soliciting contributions on streets. (Municipal and County Government)  
572, K 805
- SB 182**, establishing a committee to study the confidentiality of health care records in abuse and neglect proceedings. (Health, Human Services and Elderly Affairs)  
770, psd 872, 902, enr 1034, appointments 1136 (Chapter 200)
- SB 183-FN**, requiring health insurance plans for family coverage to extend to dependent under age 26. (Commerce)  
770, K 889
- SB 184-FN**, relative to residential home care services providers. (Health, Human Services and Elderly Affairs)  
572, psd 872, 902, enr 1035 (Chapter 199)

- SB 185**, relative to photo identification for persons released from correctional facilities and establishing a commission to study the services needed to help chronically homeless children in New Hampshire. (Children and Family Law)  
572, am & Criminal Justice 796-797, K 910
- SB 186-FN**, establishing a committee to study a state elderly homeowner property tax credit. (Municipal and County Government)  
572, K 805
- SB 187**, relative to motor vehicles operated in parades. (Transportation)  
689, am 807, psd 859, S nonconc, conf 1053, conferee change 1054, rep adop 1072, 1102, enr 1111 (Chapter 378)
- SB 188**, relative to unfair claim settlement practices by insurers. (Commerce)  
771, am 909, psd 976, S nonconc, conf 1053, rep adop 1072-1073, 1102 (unable to agree)
- SB 189**, relative to medical benefits under motor vehicle insurance. (Commerce)  
770, am 910, psd 976, S conc 1050, enr 1103 (Chapter 314)
- SB 191-FN-A**, relative to the nongame species account in the fish and game fund. (Fish and Game)  
771, am & Finance 843, rem 909, SO 975, LT 1028, 1117
- SB 192-FN**, establishing an outreach program in the children's health insurance program. (Health, Human Services and Elderly Affairs)  
689, Finance 803, am 951, psd 976, S conc 1050, enr am 1104, enr 1111 committee amended 1124 (Chapter 345)
- SB 193**, relative to adjustments to the child support guidelines under special circumstances. (Children and Family Law)  
572, psd 808, 859, enr 906 (Chapter 121)
- SB 194**, establishing a commission to study the trafficking of persons across borders for sexual and labor exploitation. (Criminal Justice and Public Safety)  
770, psd 799, 859, enr 906, appointments 1136-1137 (Chapter 122)
- SB 195-FN**, relative to unemployment benefits for persons needed to care for family members who are disabled. (Labor, Industrial and Rehabilitative Services)  
572, psd 855, 859, enr 906 (Chapter 123)
- SB 197**, relative to continuation of group health insurance in the event of divorce or legal separation. (Commerce)  
572, am (RC) 918-925, psd 976, S conc 1050, enr am 1108, enr 1111 (Chapter 379)
- SB 200-FN**, relative to the state directory of new hires. (Executive Departments and Administration)  
572, psd 775, 791, enr 793 (Chapter 50)
- SB 201**, authorizing certain Keene state college campus safety officers to detain individuals pending arrest or protective custody. (Criminal Justice and Public Safety)  
770, ret 1122
- SB 204-FN-A**, relative to collection of debts owed the state. (Executive Departments and Administration)  
770, am & Finance 801-802, psd 951, 976, S nonconc, conf 1053, rep adop 1073, 1102, enr am 1108, enr 1111 (Chapter 346)
- SB 206-FN-L**, relative to the investment authority of local government entities. (Municipal and County Government)  
**new title:** relative to the investment authority of local government entities and authorizing the city of Nashua to purchase Pennichuck Corporation stock.  
689, am 915-918, psd 976, S conc 1050, enr am 1104, enr 1111 (Chapter 347)

- SB 207**, extending the committee to study the funding necessary to operate the hazardous materials program in New Hampshire. (Environment and Agriculture)  
770, psd 869, 902, enr 1034, report date extended 1124 (Chapter 198)
- SB 208**, relative to court review of certain planning and zoning decisions. (Judiciary)  
572, K 874
- SB 209**, requiring the board of trustees of the judicial retirement plan to study the inclusion of service of all judges who are not members of the judicial retirement plan. (Executive Departments and Administration)  
572, conflict of interest declaration 909, K 912
- SB 213-FN-A**, establishing a comprehensive cancer plan fund and making an appropriation therefor, and establishing a comprehensive cancer plan oversight board. (Health, Human Services and Elderly Affairs)  
**new title:** establishing a comprehensive cancer plan fund, requiring master settlement agreement strategic contribution fund payments to be deposited in such fund, and establishing a comprehensive cancer plan oversight board.  
771, Finance 853, am 952, psd 976, S conc 1050, enr am 1104, enr 1108, S sustained veto 1116
- SB 215-FN-A**, making an appropriation for AIDS services. (Health, Human Services and Elderly Affairs)  
**new title:** relative to funding for the human immunodeficiency virus prevention program and certain AIDS services organizations.  
689, Finance 853, am 913, psd 976, S nonconc, conf 1053, conferee change 1054, rep adop 1073, 1102, enr 1111 (Chapter 367)
- SB 216**, relative to certification of employee organizations to represent public employees. (Labor, Industrial and Rehabilitative Services)  
689, am (RC) 896-900, psd 902, S conc 1050, enr 1103 (Chapter 368)
- SB 217-FN-A**, establishing the New Hampshire housing and conservation planning program. (Municipal and County Government)  
771, am & Finance 855-856, psd 952, 976, S nonconc, conf 1052, rep adop 1073, 1102, enr am 1108, enr 1111, appointments 1138 (Chapter 348)
- SB 219-FN**, establishing a committee to study the effectiveness of current preservation planning tools designed to prevent unnecessary demolitions of significant historic properties and recommend new incentives to aid communities, improvements to existing methods, or creation of new programs. (Municipal and County Government)  
572, psd 973, 976, enr 1054, appointments 1137 (Chapter 238)
- SB 220**, establishing a commission to study the feasibility of establishing a public review board for health insurance rate increase requests. (Commerce)  
689, K 889
- SB 221**, establishing a commission to organize events in celebration of the Abraham Lincoln bicentennial. (State-Federal Relations and Veterans Affairs)  
689, psd 806, 859, enr 906, appointments 1137 (Chapter 124)
- SB 222-FN**, relative to health insurance for national guard members. (Commerce)  
689, conflict of interest declaration 796, Finance 798, conflict of interest declaration 909, am 913-914, psd 976, S conc 1050, enr 1103 (Chapter 369)
- SB 223-FN**, establishing a New Hampshire medal of honor. (State-Federal Relations and Veterans Affairs)  
**new title:** establishing a New Hampshire medal of honor and prohibiting funeral protests.  
572, SO 975, am (4RCs) 992-1004, psd 1032, S conc 1050, enr am 1104, enr 1108 (Chapter 370)

- SB 224-FN-A**, relative to the telecommunications planning and development advisory committee. (Science, Technology and Energy)  
771, am 878, psd 902, S conc 1050, enr 1103, repealed and re-enacted 1138 (Chapter 315)
- SB 226-FN**, relative to the temporary assistance to needy families (TANF) program. (Health, Human Services and Elderly Affairs)  
771, am & Finance 853-854, psd (RC) 952-955, 976, S conc 1050, enr am 1104, enr 1108, committee repealed 1125 (Chapter 349)
- SB 229**, relative to restitution ordered against an inmate. (Executive Departments and Administration)  
689, Criminal Justice and Public Safety 802, psd 910, 976, enr 1054 (Chapter 239)
- SB 231**, exempting certain department of corrections practices and procedures from the provisions of RSA 541-A. (Executive Departments and Administration)  
689, psd 871, 902, enr am 1032, enr 1054 (Chapter 240)
- SB 232-FN**, relative to profits from the prison industries program. (Finance)  
572, K 802
- SB 233-FN**, relative to sales by beverage manufacturers and relative to the definition of specialty beer. (Executive Departments and Administration)  
**new title:** relative to specialty beer, relative to sales by beverage vendor licensees, and establishing a committee to study flavored malt beverages.  
770, vac Commerce 774, am 925-927, psd 976, S nonconc, conf 1053, rep adop 1074, 1102, enr 1111, appointments 1137 (Chapter 380)
- SB 234-FN**, relative to privileges, benefits, and immunities for national guard members. (State-Federal Relations and Veterans Affairs)  
770, psd 806, 859, enr 906 (Chapter 125)
- SB 235-FN-A**, relative to milk support for dairy farmers. (Environment and Agriculture)  
**new title:** establishing a milk producers emergency relief fund.  
770, am (2RCs) & Ways and Means 827-835, SO 975, am 1027-1028, psd 1032, S nonconc, conf 1053, rep adop 1074, 1102, enr am 1109, enr 1111, appointments 1140-1141 (Chapter 381)
- SB 236**, extending the authority for police mutual aid. (Municipal and County Government)  
771, rem 796, rcmt 857-858, ret 1122
- SB 237**, establishing a council on employment issues affecting veterans. (Labor, Industrial and Rehabilitative Services)  
**new title:** establishing a commission on employment issues affecting veterans.  
770, conflict of interest declaration 909, am 914-915, psd 976, S conc 1050, enr am 1054, enr 1103, appointments 1137-1138 (Chapter 316)
- SB 238**, relative to funding for the Groveton Branch Corridor repairs. (Public Works and Highways)  
572, K 776
- SB 241**, relative to availability of cable television in manufactured housing parks. (Science, Technology and Energy)  
770, psd 878, 902, enr 1035 (Chapter 197)
- SB 242-FN**, establishing the intellectual property business loan development program. (Commerce)  
770, Finance 798, am 955-956, psd 976, S conc 1050, enr 1103 (Chapter 317)
- SB 243-FN**, relative to regulating home contractors. (Executive Departments and Administration)  
572, K 912
- SB 244**, relative to employers withholding from employees' wages for certain purposes. (Labor, Industrial and Rehabilitative Services)  
770, am 874, psd 902, S conc 1050, enr 1103 (Chapter 318)
- SB 245**, relative to the New Hampshire college tuition savings plan. (Education)  
689, psd 891, 902, enr 1035, committee amended 1124 (Chapter 196)

- SB 247**, establishing a committee to study the adjudication of land use issues and ordinance violations. (Municipal and County Government)  
770, K 878
- SB 251**, allowing the board of medicine to issue licenses for physicians to engage in a correctional institution medical practice. (Executive Departments and Administration)  
771, ret 1122
- SB 252**, relative to publication of supreme court reports. (Judiciary)  
689, psd 775, 791, enr 793 (Chapter 51)
- SB 254**, relative to legal representation during contract negotiations. (Commerce)  
770, psd 889-890, 902, enr 1035 (Chapter 195)
- SB 258**, relative to reliance on ethics committee advisory opinions. (Legislative Administration)  
770, psd 877, 902, enr 1035 (Chapter 194)
- SB 260-FN**, relative to the location and budget practices of the lottery commission. (Executive Departments and Administration)  
689, psd 871, 902, enr am 1048, enr 1056 (Chapter 292)
- SB 261**, naming the state law library the John W. King law library. (Judiciary)  
770, psd 854, 859, enr 906 (Chapter 126)
- SB 262**, establishing a committee to study certain prohibitions on smoking. (Commerce)  
771, K 927
- SB 263**, establishing a committee to study Medicaid payments for hospital-based physicians and outpatient services and establishing a moratorium on certain reimbursement policy changes pending the study's recommendations. (Finance)  
771, K 914
- SB 265-FN**, relative to the state apprenticeship council and the regulation of apprenticeship programs. (Labor, Industrial and Rehabilitative Services)  
771, psd 874, 902, enr 1050 (Chapter 241)
- SB 266-FN-A**, relative to a capital appropriation for the Laconia district court renovation. Rules suspended, into, psd & enr 1116-1117 (Chapter 382)

## 2007 SESSION

### SENATE CONCURRENT RESOLUTIONS

- SCR 2**, urging Congress to amend the No Child Left Behind Act. (Education)  
689, adop 813, 859
- SCR 3**, urging preservation of traditional powers of state and local governments under international trade agreements. (State-Federal Relations and Veterans Affairs)  
770, adop 900, 902
- SCR 4**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act. (Education)  
689, adop 868, 902

## 2007 SESSION

### CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

- CACR 1**, relating to the definition of marriage. Providing that marriage between one man and one woman shall be the only legal union that shall be valid or recognized in this state. (Dumaine, Rock 3; et al: Judiciary)  
32, K (2RCs) 550-555
- CACR 2**, relating to the definition and constitutionality of judicial and legislative acts. Providing that the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts. (Sorg, Graf 3: Judiciary)  
32, ret 1122

- CACR 3**, relating to the appropriation of certain revenues. Providing that the scope of appropriations from certain revenues shall be broadened. (Lockwood, Merr 6: Finance)  
32, K 246
- CACR 4**, relating to funding for public transportation. Providing that revenues from the operation of motor vehicles or the sale or consumption of motor vehicle fuel may be used for public transportation. (S. Merrick, Coos 2; et al: Public Works and Highways)  
32, K 113
- CACR 6**, relating to education funding. Providing that the state may meet its funding obligations under Article 83 by providing aid only to those communities that, in the reasonable judgment of the general court, are in need of such aid. (Kurk, Hills 7: Finance)  
40, ret 1122
- CACR 7**, relating to county officers. Providing that certain county officers shall be appointed rather than elected. (Mulholland, Graf 10: Election Law)  
47, K 473
- CACR 8**, relating to the term of office of the governor and the election of the attorney general. Providing that the governor's term of office shall be 4 years and that the attorney general shall be elected by the house of representatives and the senate. (DiFruscia, Rock 4; et al: Election Law)  
47, ret 1122
- CACR 9**, relating to registers of probate. Providing that the requirement that registers of probate be elected be removed. (C. Chase, Hills 2; et al: Municipal and County Government)  
47, ret 1122
- CACR 10**, relating to sessions of the legislature. Providing that the legislature meet biennially and meet after June 30 in odd-numbered years only in special session called by the governor or by 2/3 vote of the general court. (Hopfgarten, Rock 5: Legislative Administration)  
47, K 140
- CACR 11**, relating to the term of office for governor. Providing that beginning with the 2010 general election, there shall be a 4-year term of office for governor. (Campbell, Hills 24; et al: Executive Departments and Administration)  
47, LT rej (RC) & SO 164-167, K (RC) 289-292, recon rej 292
- CACR 12**, relating to county personnel. Providing that county treasurers, registers of probate, county attorneys, sheriffs, and registers of deeds shall be appointed by the county commissioners. (Burrige, Ches 3: Municipal and County Government)  
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HB 684, establishing a rest area and state liquor store retail opportunities commission. Question, adopt committee report of inexpedient to legislate. Yeas, 244; Nays, 69 .....	322-324
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SB 83, naming the Epsom traffic circle in honor of Officer Jeremy Charron and Officer Michael Briggs, and naming a portion of Route 4 in honor of Officer Michael Briggs. Question, adopt committee report of ought to pass.	
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SB 106, allowing lobbyists and those connected with lobbyists to set on committees established by the judicial branch. Question, adopt conference committee report. Yeas, 119; Nays, 235 .....	1067-1070
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SB 143, naming Jericho Mountain state park and establishing ATV and trail bike trails in such park. Question, adopt majority committee amendment. Yeas, 188; Nays, 132 .....	985-988
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